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

Order Instituting Rulemaking to Develop  
and Adopt Fire-Threat Maps and Fire-  
Safety Regulations.

Rulemaking 15-05-006  
(Filed May 7, 2015)

**JOINT PARTIES' WORKSHOP REPORT**  
**ON FIRE SAFETY REGULATIONS**

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Communications California, LLC; and Crown  
Castle NG West, Inc.

July 10, 2017

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**I. INTRODUCTION**

Pursuant to California Public Utilities Commission (Commission) Rules of Practice and Procedure, Rule 1.8(d), and Commission Decision (D.) 17-01-009 Adopting a Work Plan for the Development of Fire Map 2, dated January 20, 2017, Comcast Phone of California, LLC, Cox Communications California, LLC and Crown Castle NG West, Inc., submit this Report on behalf of themselves and the following parties: AT&T California & New Cingular Wireless PCS, LLC, Bear Valley Electric Service, a division of Golden State Water Company, California Cable & Telecommunications Association (CCTA), California Farm Bureau Federation, California Municipal Utilities Association (CMUA), CPUC - Safety and Enforcement Division (SED), City of Laguna Beach, Consolidated Communications of California Company (formerly SureWest Telephone), CTIA-The Wireless Association, Citizens Telecommunications Company of California Inc. d/b/a Frontier Communications of California (U 1024 C), Frontier Communications of the Southwest Inc. (U 1026 C), and Frontier California Inc. (U 1002 C) (collectively "Frontier"), Liberty Utilities (CalPeco Electric) LLC, IBEW 1245, County of Los Angeles Fire Department, Los Angeles Dept. of Water and Power, Mussey Grade Road Alliance (MGRA), PacifiCorp d/b/a Pacific Power, Pacific Gas & Electric Company, San Diego Gas & Electric Company, Southern California Edison Company, the Small LECs, Sacramento Municipal Utility District (SMUD), and The Utility Reform Network (TURN).

## II. BACKGROUND AND OVERVIEW

On January 20, 2017 the Commission issued D.17-01-009 which adopted a work plan for the development and adoption of a statewide fire-threat map known as Fire Map 2. The purpose of Fire Map 2 is to designate areas where there is an elevated hazard for utility-associated wildfires to occur and spread rapidly, and where communities face an elevated risk from utility-associated wildfires. Fire Map 2 will be used to delineate the boundaries of a new High Fire-Threat District where stricter fire-safety regulations apply.

To accelerate the possible adoption of new fire-safety regulations, the *Assigned Scoping Memo and Ruling*, issued July 14, 2016 (Scoping Memo) informed parties that the Fire Safety Technical Panel (FSTP) should plan to submit a list of proposed fire-safety regulations (PRs) shortly after the Commission's adoption of the Fire Map 2 Work Plan, if not sooner. As contemplated by the aforementioned Scoping Memo, D.17-01-009 adopted a schedule and procedures to integrate Fire Map 2 into General Order (GO) 95 as a new High Fire-Threat District, and to identify, evaluate, and possibly adopt new fire-safety regulations for the High Fire-Threat District.

The first FSTP workshop (hosted by AT&T) was convened in San Ramon, CA on February 15-16, 2017. At this workshop participants<sup>1</sup> reviewed the workshop protocols<sup>2</sup>, performed a cursory review of the submitted PRs for conformity with D.17-01-009, and engaged in technical discussions for all but five (5) of the PRs, which were intentionally deferred to the next workshop at the proponents' request. Subsequently, the results of the February 15-16 workshop were reported by the Co-Chairs during the FSTP monthly status call held on February 23, 2017.

The second and final FSTP workshop (also hosted by AT&T) was convened in Tustin, CA on March 6-7, 2017. At this workshop participants briefly reviewed the workshop protocols and discussed the five (5) deferred PRs. Eleven (11) other PRs that were revised by the

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<sup>1</sup> A list of the participants who attended one or more workshops is attached as Appendix D.

<sup>2</sup> A copy of the Workshop Protocols as adopted with some clean up changes is attached as Appendix C.

proponents following the February workshop and resubmitted to the FSTP in advance of the March workshop were also discussed. At the March workshop it was determined that no additional technical workshops were warranted. Also, a preliminary schedule for making any final revisions to the PRs, transmitting revised PRs to the FSTP co-chairs, and circulating a draft report to parties and FSTP members was discussed and approved.

On April 3, 2017 the FSTP Technical Panel Workshop Report on Proposed Fire-Safety Regulations (FSTP Workshop Report) was filed nearly one (1) month before the deadline for filing. The FSTP Workshop Report focused on PRs, matters of concern raised during workshops, and next steps, including setting proposed dates for further workshops. The FSTP Workshop Report included twenty-two (22) PRs. In anticipation of the potential early workshop report filing, the Assigned ALJs issued a ruling on March 1, 2017 noting that if the FSTP filed the Workshop Report ahead of schedule, then the deadlines for other parties to submit additional PRs and comments on the PRs should be moved up as well. Pursuant to this ruling, on April 10, 2017 two (2) parties served additional PRs. On April 24, 2017 parties filed comments on the FSTP Workshop Report, addressing the PRs and whether such regulations were outside of the scope set forth in D.17-01-009.

On April 18, 2017, the Assigned ALJs issued a ruling noticing the schedule for all-party workshops to review, discuss, and vote on PRs. The first of these all-party workshops was held on May 9-10, 2017 in San Diego, CA (hosted by Cox). At the May 9-10 workshops, parties reviewed workshop goals and objectives, workshop protocols, and discussed eight (8) PRs. FSTP members, parties, and attendees discussed, evaluated, and refined the PRs in an attempt to reach consensus, including lengthy discussion on the definition of “High Fire-Threat District.” In the event that consensus could not be reached, in keeping with the approved protocols, parties were permitted to submit alternate proposals (APs) which addressed party-specific concerns with the language or scope of particular PRs.

On May 5, 2017, the Assigned Commissioner and Assigned ALJs issued a ruling identifying certain proposed regulations that were not within the scope of this proceeding. This

ruling and a follow up May 31 ruling regarding regulation in scope are discussed in more detail in Section III below.

On May 19, 2017, FSTP Co-Chairs circulated an agenda and other materials for the next workshop. On May 24-25, 2017, workshops were held in Tustin, CA (hosted by AT&T). At this workshop, parties reviewed and discussed ten (10) PRs and APs, and moved forward with preliminary votes for several PRs and APs.

On June 2, 2017, FSTP Chairs circulated the agenda and other materials for the next workshop. During the June 6-8, 2017 workshop, the Peer Development Panel (PDP) presented an update on the development of Fire Map 2, including information on ticketing, revision inputs, and Shape B progress. Parties and attendees also reviewed and evaluated nine (9) PRs, and took preliminary votes on the remainder of the PRs and APs.

On June 13, 2017, the Assigned ALJ issued a ruling providing notice of a public all-party workshop (teleconference/web-ex only), scheduled for June 23, 2017. The June 23, 2017 workshop featured a very brief review and final vote on all PRs and APs.

### **III. PROPOSED REGULATIONS AND ALTERNATE PROPOSALS**

A total of twenty-two (22) PRs were submitted to the Commission in the FSTP Workshop Report. In its comments to the FSTP Workshop Report, SCE submitted a PR for GO 95, Rule 21.2 recommending the addition of a new definition of ‘High Fire Threat District.’ bringing the total number of PRs to twenty-three (23). During the seven (7) days of publically noticed workshops held throughout May and June, eight (8) APs were developed by parties for five (5) of the twenty-three (23) proposed regulations -- bringing the total number PRs and APs submitted for consideration to thirty-one (31).

As noted above, on May 5, 2017, the Assigned Commissioner and Assigned ALJ issued a ruling identifying three (3) PRs that were not within the scope of this proceeding: PR 1 (reports of major accidents and findings), PR 2 (plans for correcting safety hazards/outreach to cities),

and PR 19 (access to customer premises). On May 31, the Assigned ALJs issued a ruling authorizing the submittal of modified versions of PRs 1 and 2 conformed to the scope of this proceeding and clarifying that the portion of PR 19 seeking to increase the recommended time of trim vegetation clearances in GO 95, Appendix E is within scope.

### **A. Consensus PRs**

Under the workshop protocols, consensus is defined as all of the parties present (or who provided their proxy to a party that was present) voting “yes” or “neutral” (or “abstain”). Ultimately, only two (2) PRs reached consensus. Appendix A to this Workshop Report contains these two (2) PRs and also includes the original rule, strikeout and underline version, and final proposed rule, as well as the justification for each as required by D.17-01-009 (pages 57-58). These PRs are listed in the table below.

PR Title	General Order	Rule	Title
FSTP PR 4	GO 95	18	Reporting and Resolution of Safety Hazards Discovered by Utilities
SCE PR 23	GO 95	21.2	Districts

### **B. Non-consensus PRs and APs**

Appendix B to this Workshop Report contains the twenty-nine PRs and APs that did not reach consensus, and also includes the original rule (where applicable), strikeout and underline version, and final proposed rule, as well as the justification for each as required by D.17-01-009 (pages 57-58). These PRs and APs are listed in the table below.

PR Title	General Order	Rule	Title
CoLB PR 1	GO 95	17	Investigation of Accidents
CoLB PR 2	GO 95	‘X’	(New) Plan to Address Safety Hazards and Establish Preventative Measures
SDGE PR 3	GO 95	18	Reporting and Resolution of Safety Hazards Discovered by Utilities
FSTP PR 4 CIP AP-1	GO 95	18	Reporting and Resolution of Safety Hazards Discovered by Utilities
SDGE PR 5	GO 95	31.1	Design, Construction and Maintenance

SDGE PR 6	GO 95	31.5	Joint Use of Poles
FSTP PR 7	GO 95	37	Minimum Clearances of Wires above Railroads, Thoroughfares, Buildings, Etc.
FSTP PR 7 SED AP-1	GO 95	37	Minimum Clearances of Wires above Railroads, Thoroughfares, Buildings, Etc.
FSTP PR 7 PGE AP-2	GO 95	37	Minimum Clearances of Wires above Railroads, Thoroughfares, Buildings, Etc.
SDGE PR 8	GO 95	38	Minimum Clearances of Wires from Other Wires
SDGE PR 9	GO 95	40	General
SDGE PR 10	GO 95	43.2-A	Light Loading (Wind)
MGRA PR 11	GO 95	43.3	(New) Fire Threat Loading
SDGE PR 12	GO 95	44.3	Replacement
SDGE PR 13	GO 95	48	Ultimate Strength of Materials
PGE PR 14	GO 95	53.5	(New) Burning of Supports
SDGE PR 15	GO 95	80.1-A	Inspection Requirements for Communication Lines (Patrol and Detailed Inspections)
FSTP PR 16	GO 95	80.1-A	Inspection Requirements for Communication Lines (Patrol and Detailed Inspections)
FSTP PR 16 CIP AP-1	GO 95	80.1-A	Inspection Requirements for Communication Lines (Patrol and Detailed Inspections)
FSTP PR 16 PGE AP-2	GO 95	80.1-A	Inspection Requirements for Communication Lines (Patrol and Detailed Inspections)
FSTP PR 17	GO 95	80.1-B	Inspection Requirements for Communication Lines (Intrusive Inspections)
SDGE PR 18	GO 95	91.1	Joint Use
SDGE PR 19	GO 95	Appx- E	Guidelines to Rule 35
FSTP PR 20	GO 165	Table 1, Footnote (1)	Inspection Requirements for Electric Distribution and Transmission Facilities
FSTP PR 20 SED AP-1	GO 165	Table 1, Footnote (1)	Inspection Requirements for Electric Distribution and Transmission Facilities
FSTP PR 20 SED AP-2	GO 165	Table 1, Footnote (1)	Inspection Requirements for Electric Distribution and Transmission Facilities
FSTP PR 21	GO 166	Std 1, Part E	Fire Prevention Plan
FSTP PR 21 SED AP-1	GO 166	Std 1, Part E	Fire Prevention Plan
PGE PR 22			Electric Tariff Rule 11

#### IV. FIRE/WIND MAP ISSUES

Following a presentation by Dr. Joseph Mitchell (MGRA) relating to PR 11 and discussion by parties during the June 7 workshop, ALJ Kenney posed several questions regarding the need for a fire-wind map and the feasibility of developing such a map. ALJ Kenney specifically requested that Dave Sapsis (CAL FIRE) respond to these questions. A copy



of Mr. Sapsis's email response is attached as Appendix E.<sup>3</sup> In addition other parties' responses to the subject questions have been included in the comments provided to PR-11 in Appendix B.

To the extent that other parties wish to comment on the wind mapping issues they are welcome to do so in Opening and Reply Comments to this Workshop Report. In particular it would be helpful for parties to explain their positions as to (i) whether a subsequent proceeding should be initiated to develop a fire wind map; and (ii) if a subsequent rulemaking is initiated, how should it be framed and conducted. However parties are reminded that to the extent they provide responses to these informational questions, they should do so without any anticipation of Commission action or delay to this proceeding.

## **V. IMPLEMENTATION**

Parties believe that the Commission should afford a reasonable period for implementation of any rule changes adopted in this proceeding. Proponents of each PR and AP include a recommended implementation period in their justifications, and parties may also address implementation in their Opening and Reply comments to this Workshop Report.

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<sup>3</sup> On June 12, 2017, ALJ Kao issued an email directing parties to include the email sent by Dave Sapsis (CAL FIRE) with his responses in this report.

## **VI. ACKNOWLEDGEMENTS**

The FSTP Co-Chairs wish to thank ALJ Kenney and ALJ Kao for their guidance and support during the workshops and monthly status reports. The Chairs also thank the Workshop Report team, Suzanne Toller, Gwen Johnson, and Heide Caswell for their editorial efforts and assistance in creating and compiling the content of this report.

/s/

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Dated: July 10, 2017

Appendix A – Consensus PRs

Appendix B – Non-consensus PRs and APs

Appendix C – Workshop Protocols

Appendix D – Participating Parties

Appendix E – CAL FIRE Response to ALJ Questions

# Appendix A

## Consensus PRs

PR Title	General Order	Rule	Title	Page No.
FSTP PR 4	GO 95	18	Reporting and Resolution of Safety Hazards Discovered by Utilities	A-1
SCE PR 23	GO 95	21.2	Districts	A-12

**I. PROPOSED *REVISION TO* GENERAL ORDER 95, RULE 18****A. Current Rule****18 Reporting and Resolution of Safety Hazards Discovered by Utilities**

For purposes of this rule, “Safety Hazard” means a condition that poses a significant threat to human life or property.

“Southern California” is defined as the following: Imperial, Los Angeles, Orange, Riverside, Santa Barbara, San Bernardino, San Diego, and Ventura Counties.

“Extreme and Very High Fire Threat Zones” are defined on the Fire and Resource Assessment Program (FRAP) Map prepared by the California Department of Forestry and Fire Protection or the modified FRAP Map prepared by San Diego Gas & Electric Company (SDG&E) and adopted by Decision 12-02-032 in Phase 2 of Rulemaking 08-11-005. All entities subject to Rule 18 shall use the FRAP Map to implement Rule 18, except that SDG&E may use its modified FRAP Map to implement Rule 18.

**A Resolution of Safety Hazards and General Order 95 Nonconformances**

- (1)(a) Each company (including utilities and CIPs) is responsible for taking appropriate corrective action to remedy Safety Hazards and GO 95 nonconformances posed by its facilities.
  - (b) Upon completion of the corrective action, the company’s records shall show, with sufficient detail, the nature of the work, the date, and the identity of persons performing the work. These records shall be preserved by the company for at least ten (10) years and shall be made available to Commission staff upon 30 days notice.
  - (c) Where a communications company’s or an electric utility’ actions result in GO nonconformances for another entity, that entity’s remedial action will be to transmit a single documented notice of identified nonconformances to the communications company or electric utility for compliance.
- (2)(a) All companies shall establish an auditable maintenance program for their facilities and lines. All companies must include a timeline for corrective actions to be taken following the identification of a Safety Hazard or nonconformances with General Order 95 on the company’s facilities. The auditable maintenance program shall prioritize corrective actions consistent with the priority levels set forth below and based on the following factors, as appropriate:
    - Safety and reliability as specified in the priority levels below;

- Type of facility or equipment;
- Location, including whether the Safety Hazard or nonconformance is located in an Extreme or Very High Fire Threat Zone in Southern California;
- Accessibility;
- Climate;
- Direct or potential impact on operations, customers, electrical company

There shall be 3 priority levels.

- (i) Level 1:
  - Immediate safety and/or reliability risk with high probability for significant impact.
  - Take action immediately, either by fully repairing the condition, or by temporarily repairing and reclassifying the condition to a lower priority.
- (ii) Level 2:
  - Variable (non-immediate high to low) safety and/or reliability risk.
  - Take action to correct within specified time period (fully repair, or by temporarily repairing and reclassifying the condition to a lower priority). Time period for correction to be determined at the time of identification by a qualified company representative, but not to exceed: (1) 12 months for nonconformances that compromise worker safety, (2) 12 months for nonconformances that create a fire risk and are located in an Extreme or Very High Fire Threat Zone-in Southern California, and (3) 59 months for all other Level 2 nonconformances.
- (iii) Level 3:
  - Acceptable safety and/or reliability risk.
  - Take action (re-inspect, re-evaluate, or repair) as appropriate.

- (b) Correction times may be extended under reasonable circumstances, such as:
  - Third party refusal
  - Customer issue
  - No access
  - Permits required
  - System emergencies (e.g. fires, severe weather conditions)

- (3) Companies that have existing General Order 165 auditable inspection and maintenance programs that are consistent with the purpose of Rule 18A shall continue to follow their General Order 165 programs.

## **B. Notification of Safety Hazards**

If a company, while performing inspections of its facilities, discovers a safety hazard(s) on or near a communications facility or electric facility involving another company, the inspecting company shall notify the other company and/or facility owner of such safety hazard(s) no later than 10 business days after the discovery. To the extent the inspecting company cannot determine the facility owner/operator, it shall contact the pole owner(s), who shall be responsible for promptly notifying the company owning/operating the facility with the safety hazard(s), normally not to exceed five business days after being notified of the safety hazard. The notification shall be documented and such documentation must be preserved by all parties for at least ten years.

Note: Each pole owner must be able to determine all other pole owners on poles it owns. Each pole owner must be able to determine all authorized entities that attach equipment on its portion of a pole.

## **B. Proposed Revisions Shown with Strikeout/Underline**

### **18 Reporting and Resolution of Safety Hazards Discovered by Utilities**

For purposes of this rule, “Safety Hazard” means a condition that poses a significant threat to human life or property.

“Southern California” is defined as the following: Imperial, Los Angeles, Orange, Riverside, Santa Barbara, San Bernardino, San Diego, and Ventura Counties.

~~“Extreme and Very High Fire Threat Zones” are defined on the Fire and Resource Assessment Program (FRAP) Map prepared by the California Department of Forestry and Fire Protection or the modified FRAP Map prepared by San Diego Gas & Electric Company (SDG&E) and adopted by Decision 12-02-032 in Phase 2 of Rulemaking 08-11-005. All entities subject to Rule 18 shall use the FRAP Map to implement Rule 18, except that SDG&E may use its modified FRAP Map to implement Rule 18.~~

## **A Resolution of Safety Hazards and General Order 95 Nonconformances**

- (1)(a) Each company (including utilities and CIPs) is responsible for taking appropriate corrective action to remedy Safety Hazards and GO 95 nonconformances posed by its facilities.
- (b) Upon completion of the corrective action, the company’s records shall show, with sufficient detail, the nature of the work, the date, and the

identity of persons performing the work. These records shall be preserved by the company for at least ten (10) years and shall be made available to Commission staff upon 30 days notice.

- (c) Where a communications company's or an electric utility's actions result in GO nonconformances for another entity, that entity's remedial action will be to transmit a single documented notice of identified nonconformances to the communications company or electric utility for compliance.
- (2)(a) All companies shall establish an auditable maintenance program for their facilities and lines. All companies must include a timeline for corrective actions to be taken following the identification of a Safety Hazard or nonconformances with General Order 95 on the company's facilities. The auditable maintenance program shall prioritize corrective actions consistent with the priority levels set forth below and based on the following factors, as appropriate:
  - Safety and reliability as specified in the priority levels below;
  - Type of facility or equipment;
  - Location, including whether the Safety Hazard or nonconformance is located in ~~an Extreme or Very High Fire Threat Zone in Southern California~~ and within Tier 3 of the High Fire Threat District;
  - Accessibility;
  - Climate;
  - Direct or potential impact on operations, customers, electrical company

There shall be 3 priority levels.

- (i) Level 1:
  - Immediate safety and/or reliability risk with high probability for significant impact.
  - Take action immediately, either by fully repairing the condition, or by temporarily repairing and reclassifying the condition to a lower priority.
- (ii) Level 2:
  - Variable (non-immediate high to low) safety and/or reliability risk.
  - Take action to correct within specified time period (fully repair, or by temporarily repairing and reclassifying the condition to a lower priority). Time period for correction to be determined at the time of identification by a qualified company representative, but not to exceed: (1) 12 months for nonconformances that compromise worker safety, (2) 12 months for nonconformances that create a fire risk, are located in ~~an Extreme or Very High Fire Threat Zone in Southern~~



California, and within Tier 3 of the High Fire Threat District, and (3) 59 months for all other Level 2 nonconformances.

- (iii) Level 3:
  - Acceptable safety and/or reliability risk.
  - Take action (re-inspect, re-evaluate, or repair) as appropriate.
- (b) Correction times may be extended under reasonable circumstances, such as:
  - Third party refusal
  - Customer issue
  - No access
  - Permits required
  - System emergencies (e.g. fires, severe weather conditions)
- (3) Companies that have existing General Order 165 auditable inspection and maintenance programs that are consistent with the purpose of Rule 18A shall continue to follow their General Order 165 programs.

## **B. Notification of Safety Hazards**

If a company, while performing inspections of its facilities, discovers a safety hazard(s) on or near a communications facility or electric facility involving another company, the inspecting company shall notify the other company and/or facility owner of such safety hazard(s) no later than 10 business days after the discovery. To the extent the inspecting company cannot determine the facility owner/operator, it shall contact the pole owner(s), who shall be responsible for promptly notifying the company owning/operating the facility with the safety hazard(s), normally not to exceed five business days after being notified of the safety hazard. The notification shall be documented and such documentation must be preserved by all parties for at least ten years.

Note: Each pole owner must be able to determine all other pole owners on poles it owns. Each pole owner must be able to determine all authorized entities that attach equipment on its portion of a pole.

## **C. Proposed Final Version of Rule**

### **18 Reporting and Resolution of Safety Hazards Discovered by Utilities**

For purposes of this rule, “Safety Hazard” means a condition that poses a significant threat to human life or property.

“Southern California” is defined as the following: Imperial, Los Angeles, Orange, Riverside, Santa Barbara, San Bernardino, San Diego, and Ventura Counties.

**A Resolution of Safety Hazards and General Order 95 Nonconformances**

- (1)(a) Each company (including utilities and CIPs) is responsible for taking appropriate corrective action to remedy Safety Hazards and GO 95 nonconformances posed by its facilities.
- (b) Upon completion of the corrective action, the company's records shall show, with sufficient detail, the nature of the work, the date, and the identity of persons performing the work. These records shall be preserved by the company for at least ten (10) years and shall be made available to Commission staff upon 30 days notice.
- (c) Where a communications company's or an electric utility's actions result in GO nonconformances for another entity, that entity's remedial action will be to transmit a single documented notice of identified nonconformances to the communications company or electric utility for compliance.
- (2)(a) All companies shall establish an auditable maintenance program for their facilities and lines. All companies must include a timeline for corrective actions to be taken following the identification of a Safety Hazard or nonconformances with General Order 95 on the company's facilities. The auditable maintenance program shall prioritize corrective actions consistent with the priority levels set forth below and based on the following factors, as appropriate:
- Safety and reliability as specified in the priority levels below;
  - Type of facility or equipment;
  - Location, including whether the Safety Hazard or nonconformance is located in Southern California and within Tier 3 of the High Fire Threat District;
  - Accessibility;
  - Climate;
  - Direct or potential impact on operations, customers, electrical company

There shall be 3 priority levels.

- (i) Level 1:
- Immediate safety and/or reliability risk with high probability for significant impact.
  - Take action immediately, either by fully repairing the condition, or by temporarily repairing and reclassifying the condition to a lower priority.
- (ii) Level 2:
- Variable (non-immediate high to low) safety and/or reliability risk.

- Take action to correct within specified time period (fully repair, or by temporarily repairing and reclassifying the condition to a lower priority). Time period for correction to be determined at the time of identification by a qualified company representative, but not to exceed: (1) 12 months for nonconformances that compromise worker safety, (2) 12 months for nonconformances that create a fire risk, are located in Southern California, and within Tier 3 of the High Fire Threat District, and (3) 59 months for all other Level 2 nonconformances.
- (iii) Level 3:
- Acceptable safety and/or reliability risk.
  - Take action (re-inspect, re-evaluate, or repair) as appropriate.
- (b) Correction times may be extended under reasonable circumstances, such as:
- Third party refusal
  - Customer issue
  - No access
  - Permits required
  - System emergencies (e.g. fires, severe weather conditions)
- (3) Companies that have existing General Order 165 auditable inspection and maintenance programs that are consistent with the purpose of Rule 18A shall continue to follow their General Order 165 programs.

## **B. Notification of Safety Hazards**

If a company, while performing inspections of its facilities, discovers a safety hazard(s) on or near a communications facility or electric facility involving another company, the inspecting company shall notify the other company and/or facility owner of such safety hazard(s) no later than 10 business days after the discovery. To the extent the inspecting company cannot determine the facility owner/operator, it shall contact the pole owner(s), who shall be responsible for promptly notifying the company owning/operating the facility with the safety hazard(s), normally not to exceed five business days after being notified of the safety hazard. The notification shall be documented and such documentation must be preserved by all parties for at least ten years.

Note: Each pole owner must be able to determine all other pole owners on poles it owns. Each pole owner must be able to determine all authorized entities that attach equipment on its portion of a pole.

## II. JUSTIFICATION

- **Specific electric utilities, CIPs, and others affected:**

The revised rule would be applicable to electric utilities, communication companies, and other companies owning/operating overhead electric and communication lines in California subject to the Commission's jurisdiction.

- **Geographic Areas where the rule will apply:**

The revised rule would continue to apply throughout California, with more stringent requirements for facilities located in Southern California and Tier 3 of the High Fire Threat District.

- **How the PR reduces or otherwise addresses fire hazards and/or risks in the High Fire-Threat District:**

This original rule was adopted in Phase 1 or CPUC Rulemaking (R) 08-11-005 and revised in Phase 2 of the same proceeding. The proposed revision requires electric utilities, communication companies, and jurisdictional entities to give special consideration to identified nonconformances/conditions when determining priority levels for overhead line facilities located in Tier 3 of the High Fire Threat District.

- **The estimated costs of the PR, including, if available, costs incurred by IOUs, POUs, CIPs, and customers:**

A cost /benefit analysis for this PR was not performed. In D.17-01-009 the Commission determined that public safety requires the most restrictive fire-safety regulations which currently apply to certain high fire-threat areas as designated on interim fire-threat maps. The most restrictive regulations in this rule would now be applicable facilities in Southern California and within Tier 3 of the High Fire Threat District.

- **Whether and how the costs will be recovered from customers:**

Revising references from the interim fire-threat map(s) to the High Fire Threat District is not expected to drive any new costs.

- **Whether and how costs will be shared among electric utilities, CIPs, and others:**

Revising references from the interim fire-threat map(s) to the new High Fire Threat District is not expected to drive any new cost sharing.

- **If the PR applies to electric transmission, why the regulations does not conflict with other federal or state regulations:**

The revised rule is applicable to electric transmission. Conflicts with other federal or state regulations were not identified in R.01-11-005 and none have been identified in this current proceeding.

- **The timeframe for implementing the PR:**

This revised rule should become effective when the Commission adopts a new Fire Threat Map.

- **Why it is in the public interest to adopt the PR:**

Unless the Commission determines that GO 95 Rule 18 should be rescinded or revised further, this rule revision requires electric utilities, communication companies, and jurisdictional entities to give special consideration to identified nonconformances or conditions and determining priority levels for overhead line facilities located in Southern California and within Tier of the High Fire Threat District.

- **Whether the PR is exempt from the California Environmental Quality Act (CEQA) and/or the National Environmental Policy Act (NEPA) and, if so, why. Any assertion that CEQA and NEPA do not apply must cite the relevant statutes and/or regulations where the exemption is listed. Conversely, any assertion that CEQA and/or NEPA do apply must (1) cite the relevant statutes and/or regulations that show this, and (2) list the steps that need to occur under CEQA and/or NEPA before the PR can be adopted:**

This proposal is exempt from environmental review under Section 15378 of the California Environmental Quality Act (CEQA) Guidelines because it is not a “project” under CEQA and will not have any potentially significant impact on the environment. NEPA does not apply because adoption of the proposed rule change does not constitute action by a federal agency within the meaning of 42 USC § 4332.

- **Criteria regarding (1) where the PR should apply with respect to new installations and reconstruction in the High Fire-Threat District; and (2) whether existing facilities in the High Fire-Threat District should be retrofitted or replaced to conform to the PRs. *(These criteria should include methods for: (a) Estimating the costs and safety benefits of the PRs, and (b) weighing the costs and safety benefits.):***

This revised rule should be applied prospectively and does not require analysis of application to new or reconstructed facilities. Further, a determination of whether overhead line facilities located in Southern California and within Tier 3 of the High Fire Threat District should be retrofitted or replaced is not necessary.

- **A detailed summary of any ancillary issues with a direct nexus to the PR:**

This rule relies, in part, on the adoption of a new definition for High Fire Threat District being added to GO 95 as described in PR-23. No other ancillary issues with a direct nexus to this PR have been identified.

- **Other matters to be considered:**

Per the ALJ Ruling issued April 12, 2017, “It is possible that the matters being considered in R.16-12-001 may supersede the revisions to Rule 18 being considered in the instant proceeding, R.15-05-006.”

### **III. POSITION OF PARTIES**

- **Comments in Support**

#### **Liberty CalPeco**

Liberty CalPeco supports PR-4 as this PR is not cost-prohibitive but ensures safety in the most fire prone areas of the State.

#### **PacifiCorp**

PacifiCorp supports the extension of the 12 month correction period currently applicable to Level 2 conditions that create fire risk in certain areas of Southern California to areas designated as tier 3 in Southern California. Further, although there is no PR on this point, PacifiCorp does not oppose extending the 12 month correction period to Level 2 conditions that create fire risk in areas designated as tier 3 statewide, including areas designated as tier 3 in Northern California, should the Commission chose to do so. PacifiCorp believes extending the 12 month correction period to tier 3 to such areas is operationally feasible and could lower fire risk in those areas of PacifiCorp’s service territory most vulnerable to utility caused fire (currently subject to a 59 month corrective period). In the event a statewide version of this rule is adopted by the Commission, the rule would likely to result in additional costs to PacifiCorp’s customers. PacifiCorp believes that the additional costs, depending on the size of tier 3, could be prudently incurred so long as the rule is limited to and targeted in the areas of PacifiCorp’s service territory at highest risk.

- **Comments in Opposition**

**None**

- **Final Vote:**

PARTIES	NOT PRESENT	YES	NEUTRAL	NO
AT&T		x		
BVES		x		
CALTEL	x			
CCTA		x		
CFBF	x			
Charter Comm.		x		
City of Laguna Beach			x	
CMUA		x		
Comcast		x		
Consolidated Comm.		x		
Cox Comm.		x		
Crown Castle		x		
CTIA		x		
ExteNet	x			
IBEW 1245		x		
LA County Fire			x	
LADWP		x		
Liberty CalPeco		x		
Mussey Grade Road Alliance			x	
PacifiCorp		x		
PG&E		x		
SED			x	
SCE		x		
SDG&E			x	
Small LECS		x		
SMUD			x	
Sprint-Nextel	x			
T-Mobile		x		
TURN			x	
Frontier		x		
Verizon Wireless	x			

I. PROPOSED *REVISION TO* GENERAL ORDER 95, RULE 21.2A. Current Rule

21.2 Districts mean areas as defined in the following:

- A. **Urban Districts** mean thickly settled areas (whether in cities or suburbs) or where congested traffic often occurs. Highways on which traffic is often very heavy or locations such as picnic grounds, summer resorts, etc., where people congregate seasonally, are considered as urban.
- B. **Rural Districts** mean all areas not urban, usually in the country but in some cases within city limits.
- C. **Loading Districts** mean those areas in which the specified loadings of Rule 43 apply and are known as “Heavy” and “Light” loading districts.

B. Proposed Revisions Shown with Strikeout/Underline

21.2 Districts mean areas as defined in the following:

- A. **Urban Districts** mean thickly settled areas (whether in cities or suburbs) or where congested traffic often occurs. Highways on which traffic is often very heavy or locations such as picnic grounds, summer resorts, etc., where people congregate seasonally, are considered as urban.
- B. **Rural Districts** mean all areas not urban, usually in the country but in some cases within city limits.
- C. **Loading Districts** mean those areas in which the specified loadings of Rule 43 apply and are known as “Heavy” and “Light” loading districts.

D. **High Fire Threat District** means those areas comprised of the following:

- (1) **Tree Mortality (TM) Zone** is Tier 1 of the latest version of the United States Forest Service (USFS) and CAL FIRE’s joint map of Tree Mortality High Hazard Zones (HHZs). (Note: The Tree Mortality HHZs Map may be revised regularly by the USFS and CAL FIRE.)
- (2) **Tier 2** is Tier 2 of the CPUC Fire Threat Map.
- (3) **Tier 3** is Tier 3 of the CPUC Fire Threat Map.



**C. Proposed Final Version of Rule**

**21.2 Districts** mean areas as defined in the following:

- A. Urban Districts** mean thickly settled areas (whether in cities or suburbs) or where congested traffic often occurs. Highways on which traffic is often very heavy or locations such as picnic grounds, summer resorts, etc., where people congregate seasonally, are considered as urban.
- B. Rural Districts** mean all areas not urban, usually in the country but in some cases within city limits.
- C. Loading Districts** mean those areas in which the specified loadings of Rule 43 apply and are known as “Heavy” and “Light” loading districts.
- D. High Fire Threat District** means those areas comprised of the following:
  - (1) **Tree Mortality (TM) Zone** is Tier 1 of the latest version of the United States Forest Service (USFS) and CAL FIRE’s joint map of Tree Mortality High Hazard Zones (HHZs). (Note: The Tree Mortality HHZs Map may be revised regularly by the USFS and CAL FIRE.)
  - (2) **Tier 2** is Tier 2 of the CPUC Fire Threat Map.
  - (3) **Tier 3** is Tier 3 of the CPUC Fire Threat Map.

**PR: 23 Ancillary Change-1 PROPONENT: Southern California Edison**

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Douglas Fir Molding (See Protective Covering, Suitable)		
Drainage Coils		89.2
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Towers		22.1-C
Disconnects (See Switches)		
<u>District, High Fire Threat</u>		<u>21.2-D, 18-A, 37, 80.1-A, 80.1-B</u>
Districts, Loading		21.2-C, 43.1, 43.2, 49.4-C, Appendix
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District, Rural		21.2-B
District, Urban		21.2-A
Division of Industrial Safety		39, Table 2A, ref. (b)
Douglas Fir Molding (See Protective Covering, Suitable)		
Drainage Coils		89.2
Drip Loops (See Lead Wires)		
Drive Hooks		84.4-C, 84.7-B2b2
Drop Wires, Street Light		54.6-A, 58.5-B3, 92.1-F5
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Earth as a Conductor		33.2
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Elasticity, Modulus of, for Conductors		Appendix C
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Emergency Installation		12.5
End Supports-Grades A or B		47.5
Equalizer Cable, Trolley		74.4-G3
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Exposed Guy (See Guy)		
Experimental Installations		15.2

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District, High Fire Threat		21.2-D, 18-A, 37, 80.1-A, 80.1-B
Districts, Loading		21.2-C, 43.1, 43.2, 49.4-C, Appendix
A		
District, Rural		21.2-B
District, Urban		21.2-A
Division of Industrial Safety		39, Table 2A, ref. (b)
Douglas Fir Molding (See Protective Covering, Suitable)		
Drainage Coils		89.2
Drip Loops (See Lead Wires)		
Drive Hooks		84.4-C, 84.7-B2b2
Drop Wires, Street Light		54.6-A, 58.5-B3, 92.1-F5
Duplex Pin Construction		102.1, 112.1
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Earth as a Conductor		33.2
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Elasticity, Modulus of, for Conductors		Appendix C
Element, Subordinate		12.1-C
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Equipment, Miscellaneous (See Miscellaneous Equipment)		
Exceptional Cases, Relative Levels		32.2-G
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Construction Without Wood Crossarms		54.11-B1
Grounding		52.5, 52.7-B, 52.7-F, 91.4
Insulating Material Provide Clearance		54.6-H
Material		49.2-A2, 49.3-A, 49.8, 61.3-A
Safety Factor		44, Table 4
Separation from Other Hardware		52.7-D, 53.4-A2, 53.4-B, 54.6-H, 58.1-B3, 91.4, 92.3
Strength		57.5, 77.5, 87.5
Hardwood Molding (See Protective Covering, Suitable)		
Head Guys (See Overhead Guys)		
Heavy Loading		43.1
Heel Arms (See also Crossarms)		58.1-B3
Height of Guy		Figure 86 (Appendix G)
High Voltage Signs (See Marking)		
Hooks, Guy		86.5
Hooks, Location of (See Cable Hooks)		
Horizontal Insulator-Definition		54.11-A
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Ice Loading		43.1-B
Incidental Pole Wiring		38-Table 2-Cases 16 and 17
Indicating Switches		58.3-B
Induced Voltage, Protection Against		89.2, 92.4-B
Inductive Interference		90
Inductive Parallels-Avoidance of Conflict		31.3, 31.4
Insulated-Definition		21.6

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**B. Proposed Revisions Shown with Strikeout/Underline**

Topic	Index	Rule
Hardware		
Bonding		53.4
Clearances from Conductors		52.7-C, 54.6-B, 58.3-A2, 92.3
Clearances from Ground Wires (See Ground Wires)		
Construction Without Wood Crossarms		54.11-B1
Grounding		52.5, 52.7-B, 52.7-F, 91.4
Insulating Material Provide Clearance		54.6-H
Material		49.2-A2, 49.3-A, 49.8, 61.3-A
Safety Factor		44, Table 4
Separation from Other Hardware		52.7-D, 53.4-A2, 53.4-B, 54.6-H, 58.1-B3, 91.4, 92.3
Strength		57.5, 77.5, 87.5
Hardwood Molding (See Protective Covering, Suitable)		
Head Guys (See Overhead Guys)		
Heavy Loading		43.1
Heel Arms (See also Crossarms)		58.1-B3
Height of Guy		Figure 86 (Appendix G)
<u>High Fire Threat District</u>		<u>18-A, 21.2-D, 37, 80.1-A, 80.1-B</u>
High Voltage Signs (See Marking)		
Hooks, Guy		86.5
Hooks, Location of (See Cable Hooks)		
Horizontal Insulator-Definition		54.11-A
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Ice Loading		43.1-B
Incidental Pole Wiring		38-Table 2-Cases 16 and 17
Indicating Switches		58.3-B
Induced Voltage, Protection Against		89.2, 92.4-B
Inductive Interference		90
Inductive Parallels-Avoidance of Conflict		31.3, 31.4
Insulated-Definition		21.6

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### C. Proposed Final Version

Topic	Index	Rule
Hardware		
Bonding		53.4
Clearances from Conductors		52.7-C, 54.6-B, 58.3-A2, 92.3
Clearances from Ground Wires (See Ground Wires)		
Construction Without Wood Crossarms		54.11-B1
Grounding		52.5, 52.7-B, 52.7-F, 91.4
Insulating Material Provide Clearance		54.6-H
Material		49.2-A2, 49.3-A, 49.8, 61.3-A
Safety Factor		44, Table 4
Separation from Other Hardware		52.7-D, 53.4-A2, 53.4-B, 54.6-H, 58.1-B3, 91.4, 92.3
Strength		57.5, 77.5, 87.5
Hardwood Molding (See Protective Covering, Suitable)		
Head Guys (See Overhead Guys)		
Heavy Loading		43.1
Heel Arms (See also Crossarms)		58.1-B3
Height of Guy		Figure 86 (Appendix G)
High Fire Threat District		18-A, 21.2-D, 37, 80.1-A, 80.1-B
High Voltage Signs (See Marking)		
Hooks, Guy		86.5
Hooks, Location of (See Cable Hooks)		
Horizontal Insulator-Definition		54.11-A
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Ice Loading		43.1-B
Incidental Pole Wiring		38-Table 2-Cases 16 and 17
Indicating Switches		58.3-B
Induced Voltage, Protection Against		89.2, 92.4-B
Inductive Interference		90
Inductive Parallels-Avoidance of Conflict		31.3, 31.4
Insulated-Definition		21.6

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## II. JUSTIFICATION

- **Specific electric utilities, CIPs, and others affected:**

This PR affects electric utilities, CIPs, and entities subject to the Commission's jurisdiction.

- **Geographic Areas where the rule will apply:**

As referenced in General Orders 95, 165, and 166, this revised definition will apply statewide.

- **How the PR reduces or otherwise addresses fire hazards and/or risks in the High Fire-Threat District:**

This proposed revision clarifies that Tier 1 of the latest version of the United States Forest Service (USFS) and CAL FIRE's joint map of Tree Mortality High Hazard Zones (HHZs); and Tiers 2 and 3 as designated on the CPUC's Fire Threat Map comprise the High Fire Threat District.

- **The estimated costs of the PR, including, if available, costs incurred by IOUs, POUs, CIPs, and customers:**

A cost /benefit analysis for this PR was not performed because this proposed revision modifies a definition and does not include any requirements.

- **Whether and how the costs will be recovered from customers:**

No costs have been identified for this proposed revision.

- **Whether and how costs will be shared among electric utilities, CIPs, and others:**

No costs have been identified for this proposed revision.

- **If the PR applies to electric transmission, why the regulations does not conflict with other federal or state regulations:**

This proposed revision does not apply specifically to electric transmission.

- **The timeframe for implementing the PR:**

This proposed revision should become effective upon publication of the revised version of General Order 95.

- **Why it is in the public interest to adopt the PR:**

This proposed revision clarifies that Tier 1 of the latest version of the United States Forest Service (USFS) and CAL FIRE's joint map of Tree Mortality High Hazard Zones (HHZs); and Tiers 2 and 3 as designated on the CPUC's Fire Threat Map comprise the High Fire Threat District.

- **Whether the PR is exempt from the California Environmental Quality Act (CEQA) and/or the National Environmental Policy Act (NEPA) and, if so, why. Any assertion that CEQA and NEPA do not apply must cite the relevant statutes and/or regulations where the exemption is listed. Conversely, any assertion that CEQA and/or NEPA do apply must (1) cite the relevant statutes and/or regulations that show this, and (2) list the steps that need to occur under CEQA and/or NEPA before the PR can be adopted:**

This proposed revision is exempt from environmental review under Section 15378 of the California Environmental Quality Act (CEQA) Guidelines because it is not a "project" under CEQA and will not have any potentially significant impact on the environment. NEPA does not apply because adoption of the proposed rule change does not constitute action by a federal agency within the meaning of 42 USC § 4332.

- **Criteria regarding (1) where the PR should apply with respect to new installations and reconstruction in the High Fire-Threat District; and (2) whether existing facilities in the High Fire-Threat District should be retrofitted or replaced to conform to the PRs. *(These criteria should include methods for: (a) Estimating the costs and safety benefits of the PRs, and (b) weighing the costs and safety benefits.):***

This proposed revision modifies a definition and should not require: new criteria with respect to new installations or reconstruction in the High Fire Threat District; or, a determination as to whether or not existing facilities in the High Fire Threat District should be retrofitted or replaced.

- **A detailed summary of any ancillary issues with a direct nexus to the PR:**

This revised definition includes ancillary changes to the Section II index (see Ancillary Change - 1) and to the GO 95 index (see Ancillary Change -2 and Ancillary Change -3).

- **Other matters to be considered:**

It should be noted that revisions to Tier 1 of the latest version of the United States Forest Service (USFS) and CAL FIRE's joint map of Tree Mortality High Hazard Zones (HHZs) are ongoing and expected to change over time.

#### **IV. POSITION OF PARTIES**

- **Comments in Support**

**None**

- **Comments in Opposition**

**None**

• **Final Vote:**

PARTIES	NOT PRESENT	YES	NEUTRAL	NO
AT&T		x		
BVES		x		
CALTEL	x			
CCTA		x		
CFBF	x			
Charter Comm.		x		
City of Laguna Beach			x	
CMUA		x		
Comcast		x		
Consolidated Comm.		x		
Cox Comm.		x		
Crown Castle		x		
CTIA		x		
ExteNet	x			
IBEW 1245		x		
LA County Fire		x		
LADWP		x		
Liberty CalPeco		x		
Mussey Grade Road Alliance			x	
PacifiCorp		x		
PG&E		x		
SED		x		
SCE		x		
SDG&E		x		
Small LECS		x		
SMUD		x		
Sprint-Nextel	x			
T-Mobile		x		
TURN		x		
Frontier		x		
Verizon Wireless	x			

# Appendix B

## Non-consensus PRs and APs

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CoLB PR 2	GO 95	‘X’	(New) Plan to Address Safety Hazards and Establish Preventative Measures	B-7
SDGE PR 3	GO 95	18	Reporting and Resolution of Safety Hazards Discovered by Utilities	B-13
FSTP PR 4 CIP AP-1	GO 95	18	Reporting and Resolution of Safety Hazards Discovered by Utilities	B-26
SDGE PR 5	GO 95	31.1	Design, Construction and Maintenance	B-38
SDGE PR 6	GO 95	31.5	Joint Use of Poles	B-46
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FSTP PR 7 SED AP-1	GO 95	37	Minimum Clearances of Wires above Railroads, Thoroughfares, Buildings, Etc.	B-64
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MGRA PR 11	GO 95	43.3	(New) Fire Threat Loading	B-103
SDGE PR 12	GO 95	44.3	Replacement	B-120
SDGE PR 13	GO 95	48	Ultimate Strength of Materials	B-128
PGE PR 14	GO 95	53.5	(New) Burning of Supports	B-136
SDGE PR 15	GO 95	80.1-A	Inspection Requirements for Communication Lines (Patrol and Detailed Inspections)	B-149
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FSTP PR 16 CIP AP-1	GO 95	80.1-A	Inspection Requirements for Communication Lines (Patrol and Detailed Inspections)	B-174
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FSTP PR 20	GO 165	Table 1, Footnote (1)	Inspection Requirements for Electric Distribution and Transmission Facilities	B-220
FSTP PR 20 SED AP-1	GO 165	Table 1, Footnote (1)	Inspection Requirements for Electric Distribution and Transmission Facilities	B-230



FSTP PR 20 SED AP-2	GO 165	Table 1, Footnote (1)	Inspection Requirements for Electric Distribution and Transmission Facilities	B-240
FSTP PR 21	GO 166	Std 1, Part E	Fire Prevention Plan	B-250
FSTP PR 21 SED AP-1	GO 166	Std 1, Part E	Fire Prevention Plan	B-258
PGE PR 22			Electric Tariff Rule 11	B-263

**I. PROPOSED *REVISION TO GENERAL ORDER 95, RULE 17*****A. Current Rule****17 Investigation of Accidents**

- A. Each owner or operator of utility power lines shall establish procedures for the Investigation of major accidents and failures for the purpose of determining the causes and minimizing the possibility of recurrence. Nothing in this rule is intended to extend, waive, or limit any claim of attorney client privilege and/or attorney work product privilege.

(1) Definition of major accidents and failures:

- (a) Incidents associated with utility facilities which cause property damage estimated at or about the time of the incident to be more than \$50,000.
- (b) Incidents resulting from electrical contact which cause personal injury which require hospitalization overnight, or result in death.

**EXCEPTION: Does not apply to motor vehicle caused incidents.**

**B. Proposed Revised Rule Shown with Strikeout/Underline****17 Investigation of Accidents**

- A. Each owner or operator of utility power lines shall establish procedures for the Investigation of major accidents and failures for the purpose of determining the causes and minimizing the possibility of recurrence. Nothing in this rule is intended to extend, waive, or limit any claim of attorney client privilege and/or attorney work product privilege.

(1) Definition of major accidents and failures:

- (a) Incidents associated with utility facilities which cause property damage estimated at or about the time of the incident to be more than \$50,000.
- (b) Incidents resulting from electrical contact which cause personal injury which require hospitalization overnight, or result in death.

**EXCEPTION: Does not apply to motor vehicle caused incidents.**

- (2) Each owner or operator of utility power lines shall be required to establish procedures for the Investigation of major accidents and failures that occur within service territory areas designated as Tier 2 or Tier 3 of the High Fire

Threat District, which shall include incidents that result from motor vehicle collisions with utility facilities that cause property damage estimated at or about the time of the incident to be more than \$50,000, excluding the cost of damage to a motor vehicle in the course of the incident. These procedures shall be made available to the city or county having jurisdiction where the incident occurs.

**C. Proposed Final Version**

**17 Investigation of Accidents**

- A.** Each owner or operator of utility power lines shall establish procedures for the Investigation of major accidents and failures for the purpose of determining the causes and minimizing the possibility of recurrence. Nothing in this rule is intended to extend, waive, or limit any claim of attorney client privilege and/or attorney work product privilege.

**(1) Definition of major accidents and failures:**

- (a)** Incidents associated with utility facilities which cause property damage estimated at or about the time of the incident to be more than \$50,000.
- (b)** Incidents resulting from electrical contact which cause personal injury which require hospitalization overnight, or result in death.

**EXCEPTION: Does not apply to motor vehicle caused incidents.**

- (2)** Each owner or operator of utility power lines shall be required to establish procedures for the Investigation of major accidents and failures that occur within service territory areas designated as Tier 2 or Tier 3 of the High Fire Threat District, which shall include incidents that result from motor vehicle collisions with utility facilities that cause property damage estimated at or about the time of the incident to be more than \$50,000, excluding the cost of damage to a motor vehicle in the course of the incident. These procedures shall be made available to the city or county having jurisdiction where the incident occurs.

**II. JUSTIFICATION**

- **Specific electric utilities, CIPs, and others affected:**

Owners and operators of utility power lines that fall within Tier 2 and Tier 3 of the High Fire Threat District may be affected.

- **Geographic Areas where the rule will apply:**

The proposed modification to Rule 17 would create a new sub-part that applies only to service areas designated as Tier 2 and/or Tier 3 of the High Fire Threat District.

- **How the PR reduces or otherwise addresses fire hazards and/or risks in the High Fire-Threat District:**

In its modification to Rule 17, Laguna Beach proposes creating a new subpart that effectively removes the exception created for establishing procedures related to motor vehicle caused incidents in service areas that fall within Tier 2 or Tier 3 of the High Fire Threat District. This proposed modification addresses fire hazards because vehicular collisions with utility poles and other infrastructure are a major fire hazard in certain areas. For example, Laguna Canyon Road has sustained 58 vehicle collisions with utility poles since 2007, and Calabasas experienced a major wildfire within city-limits due to an auto-utility pole collision in 2016. Downed power lines are a source of ignition, can block ingress and egress routes for the public and emergency responders, and can delay firefighting efforts due to charged electrical equipment hindering operations and allowing a wildfire to spread out of control. By requiring that procedures be established for the investigation of such incidents, this rule will facilitate identification, understanding, and hopefully correction of the fire risks that motor vehicle collisions with utility infrastructure pose in high fire threat zones.

- **The estimated costs of the PR, including, if available, costs incurred by IOUs, POUs, CIPs, and customers:**

Laguna Beach anticipates that there will be minor added costs associated with the additional reporting parameters and procedures to include motor vehicle accidents in service areas that fall within Tier 2 and/or Tier 3 of the High Fire Threat District. However, any such cost is likely minimal, and would be outweighed by the beneficial safety improvements in addressing high-threat areas' risk for vehicle collisions that can cause a loss of human life, traffic and road closures, or even wildfires from downed utility lines.

- o **Whether and how the costs will be recovered from customers:**

As previously stated, the likely increase in costs would be minimal as some degree of investigation and reporting of such accidents is already required. If a utility believes additional cost recovery is needed, it can seek such recovery in its general rate case.

- o **Whether and how costs will be shared among electric utilities, CIPs, and others:**

Not applicable.

- **If the PR applies to electric transmission, why the regulations does not conflict with other federal or state regulations:**

This rule modification only improves upon an existing rule to require additional procedures for the investigation of incidents with utility infrastructure.

- **The timeframe for implementing the PR:**

The PR should take effect when the Fire Map is adopted, as with the other PRs pursuant to Commission Decision 17-01-009.<sup>1</sup>

- **Why it is in the public interest to adopt the PR:**

Motor vehicle collisions with utility infrastructure can pose a serious, and known fire hazard for areas of high-fire risk such as Laguna Beach. There is no reason to exclude such incidents from the investigation and procedural requirements established in Rule 17. By removing this exception's application to Tiers 2 and Tiers 3 of the High Fire Threat District, PR-1 increases safety measures that may reduce the risk of fire.

- **Whether the PR is exempt from the California Environmental Quality Act (CEQA) and/or the National Environmental Policy Act (NEPA) and, if so, why. Any assertion that CEQA and NEPA do not apply must cite the relevant statutes and/or regulations where the exemption is listed. Conversely, any assertion that CEQA and/or NEPA do apply must (1) cite the relevant statutes and/or regulations that show this, and (2) list the steps that need to occur under CEQA and/or NEPA before the PR can be adopted:**

Laguna Beach anticipates that there is no possibility that the proposed regulation will have a significant effect on the environment and that no environmental impact report is required because the rule only impacts internal investigation, procedural and reporting requirements. The rule modification requires no physical or environmental alterations.<sup>2</sup>

- **Criteria regarding (1) where the PR should apply with respect to new installations and reconstruction in the High Fire-Threat District; and (2) whether existing facilities in the High Fire-Threat District should be retrofitted or replaced to conform to the PRs. (These criteria should include methods for: (a) Estimating the costs and safety benefits of the PRs, and (b) weighing the costs and safety benefits.):**

Not applicable.

- **A detailed summary of any ancillary issues with a direct nexus to the PR:**

Not applicable.

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<sup>1</sup> D.17-01-009, *Order Instituting Rulemaking to Develop and Adopt Fire-Threat Maps and Fire-Safety Regulations*, dated January 19, 2017, pp. 56-60.

<sup>2</sup> D.11-01-027, *Application of NextG Networks of California, Inc. (U6745C) for Authority to Engage in Ground-Disturbing Outside Plant Construction; And Related Matter*, 2011 Cal. PUC LEXIS 25, \*\*32-33 (discussing the standards by which an environmental impact report is needed); *see also* D.93-09-022, *In the Matter of the Application of Central Coast Cruises, Inc. for a Certificate of Public Convenience and Necessity as a Common Carrier by Vessel between Morro Bay, on the one hand, and, on the other, Channel Islands Harbor, Monterey, Point San Luis, and San Simeon*, 1993 Cal. PUC LEXIS 615, \*\*3-4 (discussing how an environmental impact statement was not required since there were no significant adverse effects upon the environment).

- **Other matters to be considered:**

### **III.POSITION OF PARTIES**

- **Comments in Support**

None

- **Comments in Opposition**

#### **Liberty CalPeco**

Liberty CalPeco opposes PR-1 as it would be inappropriate for utilities to investigate traffic accidents. Investigations of traffic accidents should be left to law enforcement. It serves little to no purpose in the prevention of utility/car collisions that may cause a fire for a utility to identify, for example, whether a driver fell asleep at the wheel or was driving under the influence and caused an accident. Liberty CalPeco is a small utility with limited resources; it cannot use those limited resources to step into the role of law enforcement with no evidence that those actions will decrease fire risk for its customers.

#### **PG&E**

PG&E opposes the City of Laguna Beach's proposed rule change (PRC) to expand the reporting requirements under General Order (GO) 95, Rule 17, which would require utilities to establish procedures for the investigation of motor vehicle accidents that occur in Tier 2 and Tier 3 of the High Fire Threat District. The PRC has no direct nexus to fire safety and would be burdensome for PG&E to perform full investigations for every single car-pole accident in Tiers 2 and 3. The responsibility to investigate car-pole accidents and the cause (e.g., individual impaired due to alcohol) is with law enforcement and not utilities. In addition, PG&E, as well as other utilities, already submit incident reports to the Commission that meet criteria adopted by the Commission in D.06-04-055.

**Final Vote:**

<b>PARTIES</b>	<b>NOT PRESENT</b>	<b>YES</b>	<b>NEUTRAL</b>	<b>NO</b>
AT&T				X
BVES				X
CALTEL	X			
CCTA				X
CFBF	X			
Charter Comm.				X
City of Laguna Beach		X		
CMUA				X
Comcast				X
Consolidated Comm.				X
Cox Comm.				X
Crown Castle				X
CTIA				X
ExteNet	X			
IBEW 1245			X	
LA County Fire				X
LADWP				X
Liberty CalPeco				X
Mussey Grade Road Alliance			X	
PacifiCorp				X
PG&E				X
SED				X
SCE				X
SDG&E				X
Small LECS				X
SMUD				X
Sprint-Nextel	X			
T-Mobile				X
TURN				X
Frontier				X
Verizon Wireless	X			

**I. PROPOSED *NEW RULE X* FOR GENERAL ORDER 95, SECTION I:**

**A. Current Rule.**

None

**B. Proposed Revised Rule Shown with Strikeout/Underline.**

**X. Plan to Address Safety Hazards and Establish Preventative Measures**

- A. Each investor-owned electric utility shall be required to develop a Plan for identifying and correcting fire safety hazards that fall within service areas designated as Tiers 2 or 3 its service territory. This Plan shall include an outreach program to cities and counties for specific projects. In collaboration with the affected city or county, the company plan will (i) identify the specific areas affected, (ii) establish the priority for each project that will require taking corrective action, and (iii) agree on the corrective methods by which such safety issues shall be addressed.
- B. Each Plan to take corrective action as to fire safety hazards within any city or county shall prioritize projects that address primary access roads that are utilized as evacuation routes in the event of wildfire, or access roads that serve as primary points of ingress and egress for emergency responders. Each Plan shall include as a potential corrective action the hardening or undergrounding of the electric system or related utility infrastructure that is along or adjacent to such access roads.
- C. Each investor-owned electric utility shall have one (1) year from the effective date of this regulation to develop its initial Plan and submit the Plan to the Commission and serve the Plan to affected communities. Commission staff will review and refer for mediation any possible disputes that arise between the utility and the affected locality. Each company that is required to file a General Rate Case (GRC) shall include an updated Plan for review and approval in each GRC cycle.

**C. Proposed Final Version.**

**X. Plan to Address Safety Hazards and Establish Preventative Measures**

- A. Each investor-owned electric utility shall be required to develop a Plan for identifying and correcting fire safety hazards that fall within service areas designated as Tiers 2 or 3 its service territory. This Plan shall include an outreach program to cities and counties for specific projects. In collaboration with the affected city or county, the company plan will (i) identify the specific areas affected, (ii) establish the priority for each



project that will require taking corrective action, and (iii) agree on the corrective methods by which such safety issues shall be addressed.

- B. Each Plan to take corrective action as to fire safety hazards within any city or county shall prioritize projects that address primary access roads that are utilized as evacuation routes in the event of wildfire, or access roads that serve as primary points of ingress and egress for emergency responders. Each Plan shall include as a potential corrective action the hardening or undergrounding of the electric system or related utility infrastructure that is along or adjacent to such access roads.
- C. Each investor-owned electric utility shall have one (1) year from the effective date of this regulation to develop its initial Plan and submit the Plan to the Commission and serve the Plan to affected communities. Commission staff will review and refer for mediation any possible disputes that arise between the utility and the affected locality. Each company that is required to file a General Rate Case (GRC) shall include an updated Plan for review and approval in each GRC cycle.

## II. JUSTIFICATION

- **Specific electric utilities, CIPs, and others affected:**

Investor-owned electric utilities.

- **Geographic Areas where the rule will apply:**

Tier 2 and/or Tier 3 of the Fire Map.

- **How the PR reduces or otherwise addresses fire hazards and/or risks in the High Fire-Threat District:**

Rule X reduces the threat of fire hazards and risks by requiring electric utilities to develop a plan that identifies and implements a protocol to addresses fire risks in high-fire threat areas. Further, Rule X improves safety by requiring these utilities to work with the locally affected community in establishing its Plan. This improves safety because community members have the complementary, local knowledge that is needed to properly address these issues. The developed Plan will create a clear path for correction and improved safety measures, and collaboration with the local, affected community is essential to identifying corrective safety measures under this Plan. An organized and vetted plan, which the local community is informed of and committed to, will prioritize and address threats from wildfires in a manner that is strongly preferable to an ad-hoc response and/or dis-jointed response. Required collaboration on the Plan will also facilitate communication, coordination and planning with affected communities and educate the public as to both the threat and corrective measures that are proposed.

- **The estimated costs of the PR, including, if available, costs incurred by IOUs, POUs, CIPs, and customers:**

Laguna Beach anticipates that the proposed addition of Rule X will create some additional costs in the time and staffing requirements that will be required for plan development and, where applicable, discussion with the local affected communities. However, Laguna Beach believes that development of such plan is an important and beneficial aspect of these regulations because it will prompt forward-looking and corrective safety action as well as informing and including local communities and the affected population. Further, the required collaboration between the utility and the local community is crucial for improving safety in a high-risk area. Local communities have the necessary contacts and understanding of the local environment and should be directly involved in developing measures to improve safety.

o **Whether and how the costs will be recovered from customers:**

This will be determined when each plan is submitted and reviewed in a utility's general rate case.

o **Whether and how costs will be shared among electric utilities, CIPs, and others:**

This issue may be discussed and decided in the utility's general rate case.

- **If the PR applies to electric transmission, why the regulations does not conflict with other federal or state regulations:**

The PR does not directly apply to electric transmission as it only requires utilities to develop a written plan and to collaborate on such plan with local communities and submit it in their GRC cycle.

- **The timeframe for implementing the PR:**

Rule X should take effect when the Fire Map is adopted. Once adopted, Rule X states that the plan shall be formulated within one (1) year of the day from which the regulation takes effect.

- **Why it is in the public interest to adopt the PR:**

As stated above, the collaboration between the utility and the local community that is required by Rule X is crucial for improving safety in a high-risk area. Local communities have the necessary contacts and understanding of the local environment and should be directly involved in developing measures to improve safety. Further, a concrete plan is needed to address known fire risks in high-threat areas.

- **Whether the PR is exempt from the California Environmental Quality Act (CEQA) and/or the National Environmental Policy Act (NEPA) and, if so, why. Any assertion that CEQA and NEPA do not apply must cite the relevant statutes and/or regulations where the exemption is listed. Conversely, any assertion that CEQA and/or NEPA do apply must (1) cite the relevant statutes and/or regulations that show this, and (2) list the steps that need to occur under CEQA and/or NEPA before the PR can be adopted:**

Rule X does not implicate CEQA or NEPA because it only establishes a requirement that utilities develop a plan to address fire-threats and that they work with locally affected communities in

developing such plans; the development of such written plans or collaboration would not have a significant impact on the environment.<sup>3</sup>

- **Criteria regarding (1) where the PR should apply with respect to new installations and reconstruction in the High Fire-Threat District; and (2) whether existing facilities in the High Fire-Threat District should be retrofitted or replaced to conform to the PRs. (*These criteria should include methods for: (a) Estimating the costs and safety benefits of the PRs, and (b) weighing the costs and safety benefits.*):**

The PR only requires a written plan to be developed by utilities and collaborated on with locally affected communities. There will be minimal costs associated with this plan with regard to staffing and time requirements in developing such plans; however, such staffing costs would be greatly outweighed by the safety improvements that would come from both (1) identifying fire risks, (2) developing a plan to address such risks, and (3) acquiring local knowledge needed to identify and assist in addressing such risks.

- **A detailed summary of any ancillary issues with a direct nexus to the PR:**

There are no other ancillary issues known at this time.

- **Other matters to be considered:**

N/A

### **III. POSITION OF PARTIES**

- **Comments in Support**

None

- **Comments in Opposition**

#### **Liberty CalPeco**

Liberty CalPeco opposes PR-2 as it has significant cost implications and is duplicative with plans Liberty CalPeco already submits to the Commission (e.g., Fire Prevention Plan).

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<sup>3</sup> *Friends of "B" Street v. City of Hayward* (1980) 106 Cal.App.3d 988, 1002. In general, the standard for whether an agency needs to prepare an EIR (evaluation of environmental impacts), rather than a NegDec (statement that there will be no significant impacts), is whether substantial evidence in the record supports a fair argument that the project would have a significant impact on the environment ("fair argument standard") (*Friends of "B" Street v. City of Hayward*, supra, 106 Cal.App.3d at 1002; Pub. Resources Code, § 21080, subds. (c) & (d)). Mere opinions and generalized concerns are not sufficient evidence to support a fair argument that the project will cause a significant environmental effect (*Lucas Valley Homeowners Association v. County of Marin* (1991) 233 Cal.App.3d 130, 163-164).

## **PG&E**

PG&E opposes the City of Laguna Beach's proposed new rule to add a requirement to seek input from local communities on maintenance activities. PG&E has about 100,000 miles of electric transmission and distribution lines serving all or parts of 48 counties, about 250 cities and more than 1000 unincorporated communities. It is impractical to suggest that PG&E should reach out and collaborate with every single city and unincorporated community in the High Fire Threat District on how its maintenance tags should be prioritized. Pursuant to CPUC General Order 166, PG&E already prepares an annual Electric Emergency Operations Plan and Fire Prevention Plan. These plans are submitted to the CPUC and available to the public. In addition, pursuant to AB 1650 (2012; PU Code 768.6), PG&E will provide copies of these plans every two years to every local point of contact designated by each city and county and hold more than a dozen public meetings with these designated local officials to solicit comments. These existing requirements provide sufficient opportunity for local communities to discuss utility fire prevention and maintenance activities.

- **Final Vote:**

<b>PARTIES</b>	<b>NOT PRESENT</b>	<b>YES</b>	<b>NEUTRAL</b>	<b>NO</b>
AT&T				x
BVES				x
CALTEL	x			
CCTA				x
CFBF	x			
Charter Comm.				x
City of Laguna Beach		x		
CMUA				x
Comcast				x
Consolidated Comm.				x
Cox Comm.				x
Crown Castle				x
CTIA				x
ExteNet	x			
IBEW 1245			x	
LA County Fire				x
LADWP				x
Liberty CalPeco				x
Mussey Grade Road Alliance			x	
PacifiCorp				x
PG&E				x
SED				x
SCE				x
SDG&E				x
Small LECS				x
SMUD				x
Sprint-Nextel	x			
T-Mobile				x
TURN				x
Frontier				x
Verizon Wireless	x			

**I. PROPOSED *REVISION TO GENERAL ORDER 95* RULE 18****A. Current Version****18 Reporting and Resolution of Safety Hazards Discovered by Utilities**

For purposes of this rule, “Safety Hazard” means a condition that poses a significant threat to human life or property.

“Southern California” is defined as the following: Imperial, Los Angeles, Orange, Riverside, Santa Barbara, San Bernardino, San Diego, and Ventura Counties.

“Extreme and Very High Fire Threat Zones” are defined on the Fire and Resource Assessment Program (FRAP) Map prepared by the California Department of Forestry and Fire Protection or the modified FRAP Map prepared by San Diego Gas & Electric Company (SDG&E) and adopted by Decision 12-02-032 in Phase 2 of Rulemaking 08-11-005. All entities subject to Rule 18 shall use the FRAP Map to implement Rule 18, except that SDG&E may use its modified FRAP Map to implement Rule 18.

**A. Resolution of Safety Hazards and General Order 95 Non-conformances**

- (1)(a) Each company (including utilities and CIPs) is responsible for taking appropriate corrective action to remedy Safety Hazards and GO 95 non-conformances posed by its facilities.
  - (b) Upon completion of the corrective action, the company’s records shall show, with sufficient detail, the nature of the work, the date, and the identity of persons performing the work. These records shall be preserved by the company for at least ten (10) years and shall be made available to Commission staff upon 30-day notice.
  - (c) Where a communications company’s or an electric utility’s actions result in GO non-conformances for another entity, that entity’s remedial action will be to transmit a single documented notice of identified non-conformances to the communications company or electric utility for compliance.
- (2)(a) All companies shall establish an auditable maintenance program for their facilities and lines. All companies must include a timeline for corrective actions to be taken following the identification of a Safety Hazard or non-conformances with General Order 95 on the company’s facilities. The auditable maintenance program shall prioritize corrective actions consistent with the priority levels set forth below and based on the following factors, as appropriate:
    - Safety and reliability as specified in the priority levels below;

- Type of facility or equipment;
- Location, including whether the Safety Hazard or nonconformance is located in an Extreme or Very High Fire Threat Zone in Southern California;
- Accessibility;
- Climate;
- Direct or potential impact on operations, customers, electrical company workers, communications workers, and the general public.

There shall be 3 priority levels.

- (i) Level 1:
  - Immediate safety and/or reliability risk with high probability for significant impact.
  - Take action immediately, either by fully repairing the condition, or by temporarily repairing and reclassifying the condition to a lower priority.
- (ii) Level 2:
  - Variable (non-immediate high to low) safety and/or reliability risk.
  - Take action to correct within specified time period (fully repair, or by temporarily repairing and reclassifying the condition to a lower priority). Time period for correction to be determined at the time of identification by a qualified company representative, but not to exceed: (1) 12 months for non-conformances that compromise worker safety, (2) 12 months for non-conformances that create a fire risk and are located in an Extreme or Very High Fire Threat Zone in Southern California, and (3) 59 months for all other Level 2 non-conformances.
- (iii) Level 3:
  - Acceptable safety and/or reliability risk.
  - Take action (re-inspect, re-evaluate, or repair) as appropriate.

(b) Correction times may be extended under reasonable circumstances, such as:

- Third party refusal
- Customer issue
- No access
- Permits required
- System emergencies (e.g. fires, severe weather conditions)

- (3) Companies that have existing General Order 165 auditable inspection and maintenance programs that are consistent with the purpose of Rule 18A shall continue to follow their General Order 165 programs.

## **B. Notification of Safety Hazards**

If a company, while performing inspections of its facilities, discovers a safety hazard(s) on or near a communications facility or electric facility involving another company, the inspecting company shall notify the other company and/or facility owner of such safety hazard(s) no later than 10 business days after the discovery. To the extent the inspecting company cannot determine the facility owner/operator, it shall contact the pole owner(s), who shall be responsible for promptly notifying the company owning/operating the facility with the safety hazard(s), normally not to exceed five business days after being notified of the safety hazard. The notification shall be documented and such documentation must be preserved by all parties for at least ten years.

## **B. Proposed Revisions Shown with Strikeout/Underline**

### **18 Reporting and Resolution of Safety Hazards Discovered by Utilities**

For purposes of this rule, “Safety Hazard” means a condition that poses a significant threat to human life or property.

~~“Southern California” is defined as the following: Imperial, Los Angeles, Orange, Riverside, Santa Barbara, San Bernardino, San Diego, and Ventura Counties.~~

~~“Extreme and Very High Fire Threat Zones” are defined on the Fire and Resource Assessment Program (FRAP) Map prepared by the California Department of Forestry and Fire Protection or the modified FRAP Map prepared by San Diego Gas & Electric Company (SDG&E) and adopted by Decision 12-02-032 in Phase 2 of Rulemaking 08-11-005. All entities subject to Rule 18 shall use the FRAP Map to implement Rule 18, except that SDG&E may use its modified FRAP Map to implement Rule 18.~~

## **A. Resolution of Safety Hazards and General Order 95 Non-conformances**

- (1)(a) Each company (including utilities and CIPs) is responsible for taking appropriate corrective action to remedy Safety Hazards and GO 95 non-conformances posed by its facilities.
- (b) Upon completion of the corrective action, the company’s records shall show, with sufficient detail, the nature of the work, the date, and the identity of persons performing the work. These records shall be preserved by the company for at least ten (10) years and shall be made available to Commission staff upon 30-day notice.
- (c) Where a communications company’s or an electric utility’s actions result in GO non-conformances for another entity, that entity’s remedial action



will be to transmit a single documented notice of identified non-conformances to the communications company or electric utility for compliance.

(2)(a) All companies shall establish an auditable maintenance program for their facilities and lines. All companies must include a timeline for corrective actions to be taken following the identification of a Safety Hazard or non-conformances with General Order 95 on the company's facilities. The auditable maintenance program shall prioritize corrective actions consistent with the priority levels set forth below and based on the following factors, as appropriate:

- Safety and reliability as specified in the priority levels below;
- Type of facility or equipment;
- Location, including whether the Safety Hazard or nonconformance is ~~located in an Extreme or Very High Fire Threat Zone in Southern California~~ Tier 2 or Tier 3 of the High Fire Threat District;
- Accessibility;
- Climate;
- Direct or potential impact on operations, customers, electrical company workers, communications workers, and the general public.

There shall be 3 priority levels.

(i) Level 1:

- Immediate safety and/or reliability risk with high probability for significant impact.
- Take action immediately, either by fully repairing the condition, or by temporarily repairing and reclassifying the condition to a lower priority.

(ii) Level 2:

- Variable (non-immediate high to low) safety and/or reliability risk.
- Take action to correct within specified time period (fully repair, or by temporarily repairing and reclassifying the condition to a lower priority). Time period for correction to be determined at the time of identification by a qualified company representative, but not to exceed: (1) 12 months for non-conformances that compromise worker safety, ~~(2) 12 months for non-conformances that create a fire risk and are located in an Extreme or Very High Fire Threat Zone in Southern California~~, and ~~(3) (2)~~ 59 months for all other Level 2 non-conformances.

(iii) Level 3:

- Acceptable safety and/or reliability risk.
- Take action (re-inspect, re-evaluate, or repair) as appropriate.

(b) Any equipment conditions or facilities that pose an elevated fire ignition risk within Tiers 2 and 3 of the High Fire Threat District shall be resolved by the responsible party within 6 months of discovery unless a quicker resolution is otherwise required.

~~(c)(b)~~ Correction times may be extended under reasonable circumstances, such as:

- Third party refusal
- Customer issue
- No access
- Permits required
- System emergencies (e.g. fires, severe weather conditions)

(3) Companies that have existing General Order 165 auditable inspection and maintenance programs that are consistent with the purpose of Rule 18A shall continue to follow their General Order 165 programs.

#### **B. Notification of Safety Hazards**

If a company, while performing inspections of its facilities, discovers a safety hazard(s) on or near a communications facility or electric facility involving another company, the inspecting company shall notify the other company and/or facility owner of such safety hazard(s) no later than 10 business days after the discovery. To the extent the inspecting company cannot determine the facility owner/operator, it shall contact the pole owner(s), who shall be responsible for promptly notifying the company owning/operating the facility with the safety hazard(s), normally not to exceed five business days after being notified of the safety hazard. The notification shall be documented and such documentation must be preserved by all parties for at least ten years.

#### **C. Proposed Final Version**

### **18 Reporting and Resolution of Safety Hazards Discovered by Utilities**

For purposes of this rule, “Safety Hazard” means a condition that poses a significant threat to human life or property.

#### **A. Resolution of Safety Hazards and General Order 95 Non-conformances**

- (1) (a) Each company (including utilities and CIPs) is responsible for taking appropriate corrective action to remedy Safety Hazards and GO 95 non-conformances posed by its facilities.
- (b) Upon completion of the corrective action, the company’s records shall show, with sufficient detail, the nature of the work, the date, and the identity of persons performing the work. These records shall be preserved

by the company for at least ten (10) years and shall be made available to Commission staff upon 30-day notice.

- (c) Where a communications company's or an electric utility's actions result in GO non-conformances for another entity, that entity's remedial action will be to transmit a single documented notice of identified non-conformances to the communications company or electric utility for compliance.
- (2)(a) All companies shall establish an auditable maintenance program for their facilities and lines. All companies must include a timeline for corrective actions to be taken following the identification of a Safety Hazard or non-conformances with General Order 95 on the company's facilities. The auditable maintenance program shall prioritize corrective actions consistent with the priority levels set forth below and based on the following factors, as appropriate:
  - Safety and reliability as specified in the priority levels below;
  - Type of facility or equipment;
  - Location, including whether the Safety Hazard or nonconformance is in Tier 2 or Tier 3 of the High Fire Threat District;
  - Accessibility;
  - Climate;
  - Direct or potential impact on operations, customers, electrical company workers, communications workers, and the general public.

There shall be 3 priority levels.

- (i) Level 1:
  - Immediate safety and/or reliability risk with high probability for significant impact.
  - Take action immediately, either by fully repairing the condition, or by temporarily repairing and reclassifying the condition to a lower priority.
- (ii) Level 2:
  - Variable (non-immediate high to low) safety and/or reliability risk.
  - Take action to correct within specified time period (fully repair, or by temporarily repairing and reclassifying the condition to a lower priority). Time period for correction to be determined at the time of identification by a qualified company representative, but not to exceed: (1) 12 months for non-conformances that compromise worker safety, and (2) 59 months for all other Level 2 non-conformances.

(iii) Level 3:

- Acceptable safety and/or reliability risk.
- Take action (re-inspect, re-evaluate, or repair) as appropriate.

(b) Any equipment conditions or facilities that pose an elevated fire ignition risk within Tiers 2 and 3 of the High Fire Threat District shall be resolved by the responsible party within 6 months of discovery unless a quicker resolution is otherwise required.

(c) Correction times may be extended under reasonable circumstances, such as:

- Third party refusal
- Customer issue
- No access
- Permits required
- System emergencies (e.g. fires, severe weather conditions)

(3) Companies that have existing General Order 165 auditable inspection and maintenance programs that are consistent with the purpose of Rule 18A shall continue to follow their General Order 165 programs.

**B. Notification of Safety Hazards**

If a company, while performing inspections of its facilities, discovers a safety hazard(s) on or near a communications facility or electric facility involving another company, the inspecting company shall notify the other company and/or facility owner of such safety hazard(s) no later than 10 business days after the discovery. To the extent the inspecting company cannot determine the facility owner/operator, it shall contact the pole owner(s), who shall be responsible for promptly notifying the company owning/operating the facility with the safety hazard(s), normally not to exceed five business days after being notified of the safety hazard. The notification shall be documented and such documentation must be preserved by all parties for at least ten years.

**II. JUSTIFICATION**

• **Specific electric utilities, CIPs, and others affected:**

This would affect all companies that have facilities within Tiers 2 & 3 of the High Fire-Threat District.

• **Geographic Areas where the rule will apply:**

The addition to the rule will apply to Tiers 2 & 3 of the High Fire-Threat District.

- **How the PR reduces or otherwise addresses fire hazards and/or risks in the High Fire-Threat District:**

The current rule (Rule 18-A2(a)(ii)) requires a 12-month maximum timeline after inspection to correct the non-conformance fire risk. Depending on when the inspection occurs, it may and in most cases, is after the fire season has lapsed when correction of the fire risk is completed. Constricting the time frame to address the issue will minimize the chance for the fire season of the designated area to occur prior to completion of work required. As an added measure, companies can coordinate their inspection of facilities with a fire season in their respective area to identify fire risks and resolve accordingly. This addition aligns with the intent of the Fire Safety OIR to reduce the risk of a fire by eliminating the fire risk as soon as possible.

- **The estimated costs of the PR, including, if available, costs incurred by IOUs, POUs, CIPs, and customers:**

As it is not yet known where these rules will apply (Fire Map 2 is not yet finalized into Shape B and will not be final for approximately 4 to 6 more months, per the Picker PD dated May 25, 2017) SDG&E is not able at this time to provide detailed cost estimates, or cost-benefit comparisons.

It is difficult to calculate the total cost as it will vary somewhat from company to company depending on how many structures a company has in Tier 2 & Tier 3 areas and the number of fire risks that are identified on a year to year basis but it is the belief that the additional cost will be minimal if any. Companies currently have inspection protocols to identify potential violations and fire risks. Those issues are currently identified, prioritized, assigned a due by date, and scheduled accordingly. The intent of the PR is not to request additional inspections to possibly identify more potential violations and fire risks but to simply correct those identified through current inspection processes sooner than the current timeframe allotted. Therefore, there is no additional anticipated cost impact but rather a simple shift of when the cost is incurred.

- o **Whether and how the costs will be recovered from customers:**

To the extent there are costs associated with implementing this PR, entities will either recover them through the appropriate Commission cost recovery procedures if they are rate regulated or, if not, they will absorb the costs or pass them on to consumers.

- o **Whether and how costs will be shared among electric utilities, CIPs, and others:**

It is not anticipated that costs will be shared among companies.

- **If the PR applies to electric transmission, why the regulations does not conflict with other federal or state regulations:**

This PRC narrows an existing rule in General Order 95. No conflicts with other federal or state regulations have been identified in this proceeding.

- **The timeframe for implementing the PR:**

To allow companies to plan and prepare for the timeframe transition it is reasonable to implement one year from the adoption of the High Fire Threat District Map.

- **Why it is in the public interest to adopt the PR:**

It is in the best interest of the public to require utilities to remove fire risks as soon as possible especially during an area's designated fire season which is the period that poses the highest probability of a catastrophic fire event. By mandating a more stringent corrective timeframe it will minimize the risk of another catastrophic fire event occurring and increase public safety.

- **Whether the PR is exempt from the California Environmental Quality Act (CEQA) and/or the National Environmental Policy Act (NEPA) and, if so, why. Any assertion that CEQA and NEPA do not apply must cite the relevant statutes and/or regulations where the exemption is listed. Conversely, any assertion that CEQA and/or NEPA do apply must (1) cite the relevant statutes and/or regulations that show this, and (2) list the steps that need to occur under CEQA and/or NEPA before the PR can be adopted:**

This proposal is exempt from environmental review under Section 15378 of the California Environmental Quality Act (CEQA) Guidelines because it is not a "project" under CEQA and will not have any potentially significant impact on the environment. NEPA does not apply because adoption of the proposed rule change does not constitute action by a federal agency within the meaning of 42 USC § 4332.

- **Criteria regarding (1) where the PR should apply with respect to new installations and reconstruction in the High Fire-Threat District; and (2) whether existing facilities in the High Fire-Threat District should be retrofitted or replaced to conform to the PRs. *(These criteria should include methods for: (a) Estimating the costs and safety benefits of the PRs, and (b) weighing the costs and safety benefits.):***

The PR should apply to both new and existing facilities that are in the Tier 2 & Tier 3 of the High Fire-Threat District. Since the PR is impacting corrective work from the result of an inspection or other finding, it applies to all facilities in those areas.

- **A detailed summary of any ancillary issues with a direct nexus to the PR:**

No ancillary issues with a direct nexus to the PR have been identified.

- **Other matters to be considered:**

No other matters to be considered have been identified.

### **III. POSITION OF PARTIES**

- **Comments in Support**

#### **IBEW 1245**

IBEW 1245 support for SDG&E proposal 3 is based primarily on the broader application of inspections by including Tier 2 in the more frequent overhead inspections proposed in this rule. IBEW 1245 contends that a more rigorous inspection cycle for overhead facilities will result in expedited repairs that will decrease or eliminate fires associated with overhead facilities.

- **Comments in Opposition**

#### **Liberty CalPeco**

Liberty CalPeco opposes the use of the six month resolution timeline for both Tier 2 and Tier 3. The PR fails to distinguish between the fire threat of Tier 2 and the fire threat of Tier 3. By definition the Tiers represent varying levels of fire risk; thus, treating them the same defeats the purpose of creating the Tiers. Complying with a short six month resolution timeline would be infeasible with our current resources or at best extremely costly (e.g., hiring numerous third party contractors). Additionally, the PR contains vague language regarding what circumstances fall under the six month timeline, what qualifies as a “resolution,” and which party will resolve the issue. Vague language contained in the PR could leave parties interpreting the GO 95 Rule in drastically different ways.

#### **PacifiCorp**

Since it is unclear how big tiers 2 and 3 will be, it is unclear how these proposed revisions to Rule 18 would impact PacifiCorp’s service territory. Under the version of Shape B delivered under Step 2(a) of the Work Plan, approximately 84% of PacifiCorp’s service territory falls within tiers 2 and 3. This raises the potential that under this PR, in almost all of PacifiCorp’s service territory, PacifiCorp will be subject to a 6 month corrective timeframe for conditions that pose an “elevated fire ignition risk.” Even if the final version of Shape B in PacifiCorp’s service territory is significantly smaller, for the reasons included in PacifiCorp’s comments in opposition to PR-4 AP-1, PacifiCorp does not believe changing the timeframe for corrective action to 6 months in any tier is cost effective or operationally practical or necessary in connection with this proceeding. Moreover, because conditions that pose an “elevated fire ignition risk” are not defined within this PR, it is likely that utilities would implement this PR inconsistently.

#### **The CIP Coalition**

The CIP Coalition does not support PR-3. Contrary to Decision 17-01-009, the proposed rule does not make any differentiation between the degrees of fire risk in Tiers 2 and 3. Moreover, it is ambiguous in its terminology, making compliance difficult.

The purpose of tier differentiation is to tailor regulations to the varying degree of fire risk in each tier. As defined in D.17-01-009, Tier 2 is comprised of “areas with elevated wildfire risk” that

*may* require enhanced fire-safety regulations, while Tier 3 is comprised of “areas with extreme wildfire risk” that require the most restrictive fire-safety regulations.<sup>4</sup> Indeed, these tier definitions adopted were the ones advocated by SDG&E.<sup>5</sup> SDG&E’s proposed rule ignores the intended differentiation and treats Tiers 2 and 3 as having the same degree of risk, requiring a comparable regulatory regime in each. Such construct is not consistent with D.17-01-009.

In addition to ignoring the intended regulatory differential between tiers, SDG&E’s PR-3 introduces ambiguous terminology which will lead to numerous interpretations of the rule and difficulties with compliance. First, the term “elevated fire ignition risk” is unclear. It appears that SDG&E is attempting to differentiate between “fire risk” and “elevated fire risk,” allowing utilities 59 months to remedy conditions giving rise to the former (unless they impose an immediate safety hazard), and only 6 months for conditions that give rise to the latter. For southern California this would be a reduction in protection as the current rule requires that all non-conformances that create a fire risk (not an “elevated” fire risk) and are located in an Extreme or Very High Threat Zone in southern California be remedied within 12 months. Moreover, the term elevated is indeterminate as there is no benchmark against which to determine whether the risk is “elevated.”

In addition, the requirement that the condition be remedied within six months “unless a quicker resolution is otherwise required” is similarly unclear. The requirement begs the question “otherwise required by what?” The rule proponent does not provide a reference for the “otherwise required” language (e.g., otherwise required by Rule 18, or General Order 95, or some other regulatory directive).

Cost: The estimated costs of this PR cannot be ascertained until Tiers 2 and 3 of the High Fire Threat District are defined. Once they are defined, impacted parties should be permitted to supplement the record of this proceeding with that information.

## **TURN**

TURN supports the adoption of reasonable regulations to improve the safety of utility facilities. In reviewing any new or modified regulations, however, the Commission must weigh the benefits and costs of proposed changes that would have more than a de minimis cost impact on customers. There are, and always will be, many opportunities to improve safety, but ratepayer funds are limited and must not be exhausted on regulatory compliance efforts that are not cost-effective. Under California law, all utility spending for any purpose, including safety, must be justified under Public Utilities Code Section 454(a) and must meet the just and reasonable standard of Section 451. The proponent of this proposed rule, however, explicitly states that it cannot provide detailed costs estimates or cost-benefit comparisons at this time because Fire Map 2 is not yet finalized.

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<sup>4</sup> D.17-01-009, at 69 (Conclusion of Law 26) and A-13.

<sup>5</sup> Opening Comments of San Diego Gas & Electric Company on Fire Map 2 Workshop Report R.15-05-006 (October 14, 2016) at 5.



The proponent states that the costs impact may vary from company to company depending on how many structures a company has in Tier 2 and Tier 3 but suggests that the costs will be minimal because this change would simply shift when the costs are incurred. This rule change, however, would shift the time for correcting non-conformances that create an elevated risk of ignition in Extreme or Very High Fire Threat Districts in Southern California from 12 months to 6 months. Additionally, all nonconforming facilities that may create an elevated fire ignition risk in Northern California in Tier 3 and all of Tier 2, previously excluded from the faster timeline, would now be required to be corrected in 6 months instead of a potential 59 months. Depending on the number of nonconformances this change would encompass, there could indeed be a significant cost impact upon customers. A shifting of those costs in time could still significantly impact customers even if the total cost of the corrective actions remained the same. At this time, it is unknown how many facilities would be affected in each utility territory, if there will be a cost impact for speeding up corrective actions (e.g., increased overtime costs, need to hire additional labor, etc.), or how shifting the time to correct nonconformances would impact customers. There is insufficient information with which to determine either the cost-effectiveness or the reasonableness of this proposed rule, and TURN, therefore, opposes this proposed rule.

Additionally, TURN is concerned that the proposed rule change may create some confusion regarding the application of the 3 priority levels as the new language is placed outside the sections defining priority levels. In particular, it is not explicitly clear that a Level 1 priority risk must still be addressed immediately, regardless of whether that risk can be classified as a “condition or facilities that pose an elevated fire ignition risk,” which would otherwise allow the utility 6 months to correct the issue. While TURN is fairly certain the proponent did not intend this confusion, the new language, if it is adopted, should be incorporated into the existing priority level language.

• **Final Vote:**

<b>PARTIES</b>	<b>NOT PRESENT</b>	<b>YES</b>	<b>NEUTRAL</b>	<b>NO</b>
AT&T				X
BVES				X
CALTEL	X			
CCTA				X
CFBF	X			
Charter Comm.				X
City of Laguna Beach			X	
CMUA				X
Comcast				X
Consolidated Comm.				X
Cox Comm.				X
Crown Castle				X
CTIA				X
ExteNet	X			
IBEW 1245		X		
LA County Fire			X	
LADWP				X
Liberty CalPeco				X
Mussey Grade Road Alliance			X	
PacifiCorp				X
PG&E				X
SED			X	
SCE				X
SDG&E		X		
Small LECS				X
SMUD				X
Sprint-Nextel	X			
T-Mobile				X
TURN				X
Frontier				X
Verizon Wireless	X			

**I. PROPOSED *REVISION TO GENERAL ORDER 95, RULE 18*****A. Current Rule****18 Reporting and Resolution of Safety Hazards Discovered by Utilities**

For purposes of this rule, “Safety Hazard” means a condition that poses a significant threat to human life or property.

“Southern California” is defined as the following: Imperial, Los Angeles, Orange, Riverside, Santa Barbara, San Bernardino, San Diego, and Ventura Counties.

“Extreme and Very High Fire Threat Zones” are defined on the Fire and Resource Assessment Program (FRAP) Map prepared by the California Department of Forestry and Fire Protection or the modified FRAP Map prepared by San Diego Gas & Electric Company (SDG&E) and adopted by Decision 12-02-032 in Phase 2 of Rulemaking 08-11-005. All entities subject to Rule 18 shall use the FRAP Map to implement Rule 18, except that SDG&E may use its modified FRAP Map to implement Rule 18.

**A. Resolution of Safety Hazards and General Order 95 Nonconformances**

- (1) (a) Each company (including utilities and CIPs) is responsible for taking appropriate corrective action to remedy Safety Hazards and GO 95 nonconformances posed by its facilities.
- (b) Upon completion of the corrective action, the company’s records shall show, with sufficient detail, the nature of the work, the date, and the identity of persons performing the work. These records shall be preserved by the company for at least ten (10) years and shall be made available to Commission staff upon 30 days notice.
- (c) Where a communications company’s or an electric utility’s actions result in GO nonconformances for another entity, that entity’s remedial action will be to transmit a single documented notice of identified nonconformances to the communications company or electric utility for compliance.
- (2) (a) All companies shall establish an auditable maintenance program for their facilities and lines. All companies must include a timeline for corrective actions to be taken following the identification of a Safety Hazard or nonconformances with General Order 95 on the company’s facilities. The auditable maintenance program shall prioritize corrective actions consistent with the priority levels set forth below and based on the following factors, as appropriate:
  - Safety and reliability as specified in the priority levels below;

- Type of facility or equipment;
- Location, including whether the Safety Hazard or nonconformance is located in an Extreme or Very High Fire Threat Zone in Southern California;
- Accessibility;
- Climate;
- Direct or potential impact on operations, customers, electrical company workers, communications workers, and the general public.

There shall be 3 priority levels.

(i) Level 1:

- Immediate safety and/or reliability risk with high probability for significant impact.
- Take action immediately, either by fully repairing the condition, or by temporarily repairing and reclassifying the condition to a lower priority.

(ii) Level 2:

- Variable (non-immediate high to low) safety and/or reliability risk.
- Take action to correct within specified time period (fully repair, or by temporarily repairing and reclassifying the condition to a lower priority). Time period for correction to be determined at the time of identification by a qualified company representative, but not to exceed: (1) 12 months for nonconformances that compromise worker safety, (2) 12 months for nonconformances that create a fire risk and are located in an Extreme or Very High Fire Threat Zone-in Southern California, and (3) 59 months for all other Level 2 nonconformances.

(iii) Level 3:

- Acceptable safety and/or reliability risk.
- Take action (re-inspect, re-evaluate, or repair) as appropriate.

(b) Correction times may be extended under reasonable circumstances, such as:

- Third party refusal
- Customer issue
- No access
- Permits required
- System emergencies (e.g. fires, severe weather conditions)

- (3) Companies that have existing General Order 165 auditable inspection and maintenance programs that are consistent with the purpose of Rule 18A shall continue to follow their General Order 165 programs.

## **B. Notification of Safety Hazards**

If a company, while performing inspections of its facilities, discovers a safety hazard(s) on or near a communications facility or electric facility involving another company, the inspecting company shall notify the other company and/or facility owner of such safety hazard(s) no later than 10 business days after the discovery. To the extent the inspecting company cannot determine the facility owner/operator, it shall contact the pole owner(s), who shall be responsible for promptly notifying the company owning/operating the facility with the safety hazard(s), normally not to exceed five business days after being notified of the safety hazard. The notification shall be documented and such documentation must be preserved by all parties for at least ten years.

Note: Each pole owner must be able to determine all other pole owners on poles it owns. Each pole owner must be able to determine all authorized entities that attach equipment on its portion of a pole.

## **B. Proposed Revisions Shown with Strikeout/Underline**

### **18 Reporting and Resolution of Safety Hazards Discovered by Utilities**

For purposes of this rule, “Safety Hazard” means a condition that poses a significant threat to human life or property.

~~“Southern California” is defined as the following: Imperial, Los Angeles, Orange, Riverside, Santa Barbara, San Bernardino, San Diego, and Ventura Counties.~~

~~“Extreme and Very High Fire Threat Zones” are defined on the Fire and Resource Assessment Program (FRAP) Map prepared by the California Department of Forestry and Fire Protection or the modified FRAP Map prepared by San Diego Gas & Electric Company (SDG&E) and adopted by Decision 12-02-032 in Phase 2 of Rulemaking 08-11-005.~~

## **A Resolution of Safety Hazards and General Order 95 Nonconformances**

- (1) (a) Each company (including utilities and CIPs) is responsible for taking appropriate corrective action to remedy Safety Hazards and GO 95 nonconformances posed by its facilities.
- (b) Upon completion of the corrective action, the company’s records shall show, with sufficient detail, the nature of the work, the date, and the identity of persons performing the work. These records shall be preserved by the company for at least ten (10) years and shall be made available to Commission staff upon 30 days’ notice.

- (c) Where a communications company's or an electric utility's actions result in GO nonconformances for another entity, that entity's remedial action will be to transmit a single documented notice of identified nonconformances to the communications company or electric utility for compliance.
- (2) (a) All companies shall establish an auditable maintenance program for their facilities and lines. All companies must include a timeline for corrective actions to be taken following the identification of a Safety Hazard or nonconformances with General Order 95 on the company's facilities. The auditable maintenance program shall prioritize corrective actions consistent with the priority levels set forth below and based on the following factors, as appropriate:
- Safety and reliability as specified in the priority levels below;
  - Type of facility or equipment;
  - Location, including whether and where the Safety Hazard or nonconformance is located in , including whether the Safety Hazard or nonconformance is located in ~~an Extreme or Very High Fire Threat Zone in Southern California~~ the High Fire Threat District;
  - Accessibility;
  - Climate;
  - Direct or potential impact on operations, customers, electrical company workers, communications workers, and the general public.

There shall be 3 priority levels.

- (i) Level 1:
- Immediate safety and/or reliability risk with high probability for significant impact.
  - Take action immediately, either by fully repairing the condition, or by temporarily repairing and reclassifying the condition to a lower priority.
- (ii) Level 2:
- Variable (non-immediate high to low) safety and/or reliability risk.
  - Take action to correct within specified time period (fully repair, or by temporarily repairing and reclassifying the condition to a lower priority). Time period for correction to be determined at the time of identification by a qualified company representative, but not to exceed: (1) 6 ~~12~~ months for nonconformances that create a fire risk and are located in and are located in ~~an Extreme or Very High Fire Threat Zone in Southern California~~ Tier 3 of the High Fire Threat District. (2)

12 months for nonconformances that compromise worker safety, and (3) 59 months for all other Level 2 nonconformances.

(iii) Level 3:

- Acceptable safety and/or reliability risk.
- Take action (re-inspect, re-evaluate, or repair) as appropriate.

(b) Correction times may be extended under reasonable circumstances, such as:

- Third party refusal
- Customer issue
- No access
- Permits required
- System emergencies (e.g. fires, severe weather conditions)

(3) Companies that have existing General Order 165 auditable inspection and maintenance programs that are consistent with the purpose of Rule 18A shall continue to follow their General Order 165 programs.

**B. Notification of Safety Hazards**

If a company, while performing inspections of its facilities, discovers a safety hazard(s) on or near a communications facility or electric facility involving another company, the inspecting company shall notify the other company and/or facility owner of such safety hazard(s) no later than 10 business days after the discovery. To the extent the inspecting company cannot determine the facility owner/operator, it shall contact the pole owner(s), who shall be responsible for promptly notifying the company owning/operating the facility with the safety hazard(s), normally not to exceed five business days after being notified of the safety hazard. The notification shall be documented and such documentation must be preserved by all parties for at least ten years.

Note: Each pole owner must be able to determine all other pole owners on poles it owns. Each pole owner must be able to determine all authorized entities that attach equipment on its portion of a pole.

**C. Proposed Final Version**

**18 Reporting and Resolution of Safety Hazards Discovered by Utilities**

For purposes of this rule, “Safety Hazard” means a condition that poses a significant threat to human life or property.

**A. Resolution of Safety Hazards and General Order 95 Nonconformances**

- (1) (a) Each company (including utilities and CIPs) is responsible for taking appropriate corrective action to remedy Safety Hazards and GO 95 nonconformances posed by its facilities.
- (b) Upon completion of the corrective action, the company's records shall show, with sufficient detail, the nature of the work, the date, and the identity of persons performing the work. These records shall be preserved by the company for at least ten (10) years and shall be made available to Commission staff upon 30 days' notice.
- (c) Where a communications company's or an electric utility's actions result in GO nonconformances for another entity, that entity's remedial action will be to transmit a single documented notice of identified nonconformances to the communications company or electric utility for compliance.
- (2) (a) All companies shall establish an auditable maintenance program for their facilities and lines. All companies must include a timeline for corrective actions to be taken following the identification of a Safety Hazard or nonconformances with General Order 95 on the company's facilities. The auditable maintenance program shall prioritize corrective actions consistent with the priority levels set forth below and based on the following factors, as appropriate:
- Safety and reliability as specified in the priority levels below;
  - Type of facility or equipment;
  - Location, including whether and where the Safety Hazard or nonconformance is located in the High Fire Threat District;
  - Accessibility;
  - Climate;
  - Direct or potential impact on operations, customers, electrical company workers, communications workers, and the general public.

There shall be 3 priority levels.

- (i) Level 1:
- Immediate safety and/or reliability risk with high probability for significant impact.
  - Take action immediately, either by fully repairing the condition, or by temporarily repairing and reclassifying the condition to a lower priority.
- (ii) Level 2:
- Variable (non-immediate high to low) safety and/or reliability risk.



- Take action to correct within specified time period (fully repair, or by temporarily repairing and reclassifying the condition to a lower priority). Time period for correction to be determined at the time of identification by a qualified company representative, but not to exceed: (1) 6 months for nonconformances that create a fire risk and are located in Tier 3 of the High Fire Threat District, (2) 12 months for nonconformances that compromise worker safety, and (3) 59 months for all other Level 2 nonconformances.

(iii) Level 3:

- Acceptable safety and/or reliability risk.
- Take action (re-inspect, re-evaluate, or repair) as appropriate.

(b) Correction times may be extended under reasonable circumstances, such as:

- Third party refusal
- Customer issue
- No access
- Permits required
- System emergencies (e.g. fires, severe weather conditions)

(3) Companies that have existing General Order 165 auditable inspection and maintenance programs that are consistent with the purpose of Rule 18A shall continue to follow their General Order 165 programs.

## **B. Notification of Safety Hazards**

If a company, while performing inspections of its facilities, discovers a safety hazard(s) on or near a communications facility or electric facility involving another company, the inspecting company shall notify the other company and/or facility owner of such safety hazard(s) no later than 10 business days after the discovery. To the extent the inspecting company cannot determine the facility owner/operator, it shall contact the pole owner(s), who shall be responsible for promptly notifying the company owning/operating the facility with the safety hazard(s), normally not to exceed five business days after being notified of the safety hazard. The notification shall be documented and such documentation must be preserved by all parties for at least ten years.

Note: Each pole owner must be able to determine all other pole owners on poles it owns. Each pole owner must be able to determine all authorized entities that attach equipment on its portion of a pole.

## II. JUSTIFICATION

- **Specific electric utilities, CIPs, and others affected:**

This revised rule would be applicable to jurisdictional electric utilities, communication companies, and other companies owning/operating overhead electric and communication lines in California.

- **Geographic Areas where the rule will apply:**

The revised rule would continue to apply throughout California.

- **How the PR reduces or otherwise addresses fire hazards and/or risks in the High Fire-Threat District:**

The proposed revision continues the existing requirements established in R.08-11-005 which require communication companies to repair nonconformances more frequently in areas of increased fire risk and complies with the requirement in D.17-01-009 to transfer certain high fire-threat areas on the interim fire-threat maps to Tier 3 areas. However, the current proposed rule goes further by (i) by shortening the time interval from 12 months to 6 months, and (ii) extending the more restrictive Southern California inspection intervals to all of Tier 3 of the High Fire Threat District *on a statewide basis*, thus eliminating the Northern - Southern California.

- **The estimated costs of the PR, including, if available, costs incurred by IOUs, POUs, CIPs, and customers:**

The estimated costs of this PR on this PR cannot be ascertained until Tier 3 of the High Fire Threat District is defined. Once Tier 3 is defined, impacted parties should be permitted to supplement the record of this proceeding with that information.

- o **Whether and how the costs will be recovered from customers:**

With respect to any costs incurred, the rate-of-return regulated utilities are seeking authority to record and recover these costs in the same manner as was approved by the Commission in Phase 2 of R.08-11-005. Companies that are not rate-of-return regulated may recover costs in any legally permissible manner, including through line-item charges or increased fees for services.

- o **Whether and how costs will be shared among electric utilities, CIPs, and others:**

Whether and if so how the costs will be shared among individual electric utilities and CIPs will depend on parties' ownership interests in the poles and the relevant terms in the applicable joint pole agreements or pole license agreements

- **If the PR applies to electric transmission, why the regulations does not conflict with other federal or state regulations:**

The revised rule does apply to electric transmission. Conflicts with other federal or state regulations were not identified in R.01-11-005 and none have been identified in this proceeding.

- **The timeframe for implementing the PR:**

The revised rule should become effective within 18 months after the Commission adopts a new Fire Threat Map. Although D.17-01-009 requires “the transfer of existing fire-safety regulations to be completed no later than September 1, 2018,” AP 1 does not simply transfer the existing repair interval for high fire areas. Instead AP 1 proposes a significantly shorter repair interval and extends that interval on a statewide basis. Moreover under the current schedule, the final map will not be approved by the Commission until November 2017, and companies need time to revise their repair programs to conform to the new maps and to plan for the change in their budget cycles.

- **Why it is in the public interest to adopt the PR:**

The proposed revision continues the existing requirements established in R.08-11-005 which require communication companies to repair nonconformances more frequently in areas of increased fire risk and complies with the requirement in D.17-01-009 to transfer certain high fire-threat areas on the interim fire-threat maps to Tier 3 areas. However, the current proposed rule goes further by (i) by shortening the time interval from 12 months to 6 months, and (ii) extending the more restrictive Southern California inspection intervals to all of Tier 3 of the High Fire Threat District *on a statewide basis*, thus eliminating the Northern - Southern California.

- **Whether the PR is exempt from the California Environmental Quality Act (CEQA) and/or the National Environmental Policy Act (NEPA) and, if so, why. Any assertion that CEQA and NEPA do not apply must cite the relevant statutes and/or regulations where the exemption is listed. Conversely, any assertion that CEQA and/or NEPA do apply must (1) cite the relevant statutes and/or regulations that show this, and (2) list the steps that need to occur under CEQA and/or NEPA before the PR can be adopted:**

This proposal is exempt from environmental review under Section 15378 of the California Environmental Quality Act (CEQA) Guidelines because it is not a “project” under CEQA and will not have any potentially significant impact on the environment. NEPA does not apply because adoption of the proposed rule change does not constitute action by a federal agency within the meaning of 42 USC § 4332.

- **Criteria regarding (1) where the PR should apply with respect to new installations and reconstruction in the High Fire-Threat District; and (2) whether existing facilities in the High Fire-Threat District should be retrofitted or replaced to conform to the PRs. *(These criteria should include methods for: (a) Estimating the costs and safety benefits of the PRs, and (b) weighing the costs and safety benefits.):***

This revised rule would apply to both new and existing installations. This revised rule does not require analysis whether overhead line facilities in the High Fire Threat District should be retrofitted or replaced to conform to the PR.

- **A detailed summary of any ancillary issues with a direct nexus to the PR:**

No ancillary issues with a direct nexus to the PR have been identified.

- **Other matters to be considered:**

Per the ALJ Ruling issued April 12, 2017, “It is possible that the matters being considered in R.16-12-001 may supersede the revisions to Rule 18 being considered in the instant proceeding, R.15-05-006.”

### **III.POSITION OF PARTIES**

- **Comments in Support**

None

- **Comments in Opposition**

#### **Liberty CalPeco**

Liberty CalPeco opposes the use of a short six month resolution timeline for Tier 3 due to cost and manpower constraints. However, given the uncertainty of the final Tier 3 map boundaries, it is impossible to determine how costly or feasible the implementation of the short resolution timeline will be in Liberty CalPeco’s service territory. Thus, Liberty CalPeco withholds its support or opposition to PR-4, AP-1, until the final Tier 3 map boundary has been reviewed.

#### **PacifiCorp**

PacifiCorp opposes these revisions to Rule 18. Even though the 6 month correction period would apply only to Tier 3 areas of PacifiCorp’s service territory, a 6 month corrective period is not cost effective or operationally practical. Specifically, in PacifiCorp’s service territory, which has extreme winter weather, inspection cycles are generally able to be initiated around mid-March when weather conditions permit safe working conditions and access to facilities, and continue through mid-October. Corrective work also is performed during this same seasonal window of time. Accordingly, the later in the season that the condition is identified, the shorter the window becomes for being able to perform the corresponding remedial corrective action. For example, if a Level 2 issue in a Tier 3 area is discovered in May, PacifiCorp, under this proposed rule, would only have, as a practical matter, 4 months to complete the corrective action. Given that there could be Level 1 conditions that would have higher priority for correction, the period of time available could be even further reduced.

If PacifiCorp accelerated its inspection cycles and added more resources to perform needed correction action all within the March to October season, the cost impact is estimated to be as much as a three-fold increase in current expenditures.

Moreover, because PacifiCorp’s fire season runs from June to August, a six month corrective period as applied to Level 2 conditions discovered in inspection cycles that do not start until mid-

March does not, in any event, result in any fire risk mitigation benefit until the following fire season. Thus, extending the 12 month correction period for Level 2 conditions to tier 3 of PacifiCorp's service territory, while not specifically proposed in the FSTP version of PR-4, would be a much more appropriate alternative.

PacifiCorp recognizes that timeframes may be extended under Rule 18 in the event of climate or weather related event or other access issue. However, in this case, the exception would become the rule and creating a requirement that would be subject to exception nearly 100% of the time is not good policy.

Lastly, because the CIPs' equipment is inspected less frequently, and, as a result, conditions on CIPs facilities are not as often identified for correction, PacifiCorp believes that this proposed rule is not likely to result in a significant increase in corrective action with respect to CIP conditions and non-conformances.

## **TURN**

TURN supports the adoption of reasonable regulations to improve the safety of utility facilities. In reviewing any new or modified regulations, however, the Commission must weigh the benefits and costs of proposed changes that would have more than a de minimis cost impact on customers. There are, and always will be, many opportunities to improve safety, but ratepayer funds are limited and must not be exhausted on regulatory compliance efforts that are not cost-effective. Under California law, all utility spending for any purpose, including safety, must be justified under Public Utilities Code Section 454(a) and must meet the just and reasonable standard of Section 451. The proponent of this proposed rule, however, explicitly states that the estimated costs of this proposed rule cannot be ascertained until Tier 3 of the High Fire Threat District is defined.

This rule change would increase the area affected by this rule from Southern California to all Tier 3 statewide and would shift the time for correcting non-conformances that create a fire risk from 12 months to 6 months. All nonconforming facilities in Northern California, Tier 3 previously excluded from the faster timeline, would now be required to be corrected in 6 months instead of, in some cases, 59 months. Depending on the number of nonconformances this change would encompass, there could indeed be a significant cost impact upon customers. A shifting of those costs in time could still significantly impact customers even if the total cost of the corrective actions remained the same. At this time, it is unknown how many facilities would be affected in each utility territory, if there will be a cost impact for speeding up corrective actions (e.g., increased overtime costs, need to hire additional labor, etc.), or how shifting the time to correct nonconformances would impact customers. There is insufficient information with which to determine either the cost-effectiveness or the reasonableness of this proposed rule, and TURN, therefore, opposes this proposed rule.

• **Final Vote:**

<b>PARTIES</b>	<b>NOT PRESENT</b>	<b>YES</b>	<b>NEUTRAL</b>	<b>NO</b>
AT&T		x		
BVES				x
CALTEL	x			
CCTA		x		
CFBF	x			
Charter Comm.		x		
City of Laguna Beach			x	
CMUA			x	
Comcast		x		
Consolidated Comm.		x		
Cox Comm.		x		
Crown Castle		x		
CTIA		x		
ExteNet	x			
IBEW 1245				x
LA County Fire			X	
LADWP			X	
Liberty CalPeco			X	
Mussey Grade Road Alliance			X	
PacifiCorp				x
PG&E				x
SED			X	
SCE				x
SDG&E				x
Small LECS		x		
SMUD			X	
Sprint-Nextel	x			
T-Mobile		x		
TURN				x
Frontier		x		
Verizon Wireless	x			

**I. PROPOSED *REVISION TO GENERAL ORDER 95* RULE 31.1****A. Current Rule****31.1 Design, Construction and Maintenance**

Electrical supply and communication systems shall be designed, constructed, and maintained for their intended use, regard being given to the conditions under which they are to be operated, to enable the furnishing of safe, proper, and adequate service.

For all particulars not specified in these rules, design, construction, and maintenance should be done in accordance with accepted good practice for the given local conditions known at the time by those responsible for the design, construction, or maintenance of communication or supply lines and equipment.

A supply or communications company is in compliance with this rule if it designs, constructs, and maintains a facility in accordance with the particulars specified in General Order 95, except that if an intended use or known local conditions require a higher standard than the particulars specified in General Order 95 to enable the furnishing of safe, proper, and adequate service, the company shall follow the higher standard.

For all particulars not specified in General Order 95, a supply or communications company is in compliance with this rule if it designs, constructs and maintains a facility in accordance with accepted good practice for the intended use and known local conditions.

All work performed on public streets and highways shall be done in such a manner that the operations of other utilities and the convenience of the public will be interfered with as little as possible and no conditions unusually dangerous to workmen, pedestrians or others shall be established at any time.

Note: The standard of accepted good practice should be applied on a case by case basis. For example, the application of “accepted good practice” may be aided by reference to any of the practices, methods, and acts engaged in or approved by a significant portion of the relevant industry, or which may be expected to accomplish the desired result with regard to safety and reliability at a reasonable cost.

**B. Proposed Revisions Shown with Strikeout/Underline****31.1 Design, Construction and Maintenance**

Electrical supply and communication systems shall be designed, constructed, and maintained for their intended use, regard being given to the conditions under which they are to be operated, to enable the furnishing of safe, proper, and adequate service.

For all particulars not specified in these rules, design, construction, and maintenance should be done in accordance with accepted good practice for the given local conditions known at the time by those responsible for the design, construction, or maintenance of communication or supply lines and equipment.

A supply or communications company is in compliance with this rule if it designs, constructs, and maintains a facility in accordance with the particulars specified in General Order 95, except that if an intended use or known local conditions require a higher standard than the particulars specified in General Order 95 to enable the furnishing of safe, proper, and adequate service, the company shall follow the higher standard.

For all particulars not specified in General Order 95, a supply or communications company is in compliance with this rule if it designs, constructs and maintains a facility in accordance with accepted good practice for the intended use and known local conditions.

All work performed on public streets and highways shall be done in such a manner that the operations of other utilities and the convenience of the public will be interfered with as little as possible and no conditions unusually dangerous to workmen, pedestrians or others shall be established at any time.

Any equipment conditions or facilities that pose an elevated fire ignition risk within Tiers 2 and 3 of the High Fire Threat District shall be resolved by the responsible party within 6 months of discovery unless a quicker resolution is otherwise required as per Rule 18 Section A.

Note: The standard of accepted good practice should be applied on a case by case basis. For example, the application of “accepted good practice” may be aided by reference to any of the practices, methods, and acts engaged in or approved by a significant portion of the relevant industry, or which may be expected to accomplish the desired result with regard to safety and reliability at a reasonable cost.

### **C. Proposed Final Version**

#### **31.1 Design, Construction and Maintenance**

Electrical supply and communication systems shall be designed, constructed, and maintained for their intended use, regard being given to the conditions under which they are to be operated, to enable the furnishing of safe, proper, and adequate service.

For all particulars not specified in these rules, design, construction, and maintenance should be done in accordance with accepted good practice for the given local conditions known at the time by those responsible for the design, construction, or maintenance of communication or supply lines and equipment.

A supply or communications company is in compliance with this rule if it designs, constructs, and maintains a facility in accordance with the particulars specified in General



Order 95, except that if an intended use or known local conditions require a higher standard than the particulars specified in General Order 95 to enable the furnishing of safe, proper, and adequate service, the company shall follow the higher standard.

For all particulars not specified in General Order 95, a supply or communications company is in compliance with this rule if it designs, constructs and maintains a facility in accordance with accepted good practice for the intended use and known local conditions.

All work performed on public streets and highways shall be done in such a manner that the operations of other utilities and the convenience of the public will be interfered with as little as possible and no conditions unusually dangerous to workmen, pedestrians or others shall be established at any time.

Any equipment conditions or facilities that pose an elevated fire ignition risk within Tiers 2 and 3 of the High Fire Threat District shall be resolved by the responsible party within 6 months of discovery unless a quicker resolution is otherwise required as per Rule 18 Section A.

Note: The standard of accepted good practice should be applied on a case by case basis. For example, the application of “accepted good practice” may be aided by reference to any of the practices, methods, and acts engaged in or approved by a significant portion of the relevant industry, or which may be expected to accomplish the desired result with regard to safety and reliability at a reasonable cost.

## **II. JUSTIFICATION**

- **Specific electric utilities, CIPs, and others affected:**

This would affect all companies that have facilities within Tiers 2 & 3 of the High Fire-Threat District.

- **Geographic Areas where the rule will apply:**

The addition to the rule will apply to Tiers 2 & 3 of the High Fire-Threat District.

- **How the PR reduces or otherwise addresses fire hazards and/or risks in the High Fire-Threat District:**

The current rule (Rule 18-A2(a)(ii)) requires a 12-month maximum timeline after inspection to correct the non-conformance fire risk. Depending on when the inspection occurs, it may and in most cases, is after the fire season has lapsed when correction of the fire risk is completed. Constricting the time frame to address the issue will minimize the chance for the fire season of the designated area to occur prior to completion of work required. As an added measure, companies can coordinate their inspection of facilities with a fire season in their respective area

to identify fire risks and resolve accordingly. This addition aligns with the intent of the Fire Safety OIR to reduce the risk of a fire by eliminating the fire risk as soon as possible.

- **The estimated costs of the PR, including, if available, costs incurred by IOUs, POUs, CIPs, and customers:**

As it is not yet known where these rules will apply (Fire Map 2 is not yet finalized into Shape B and will not be final for approximately 4 to 6 more months, per the Picker PD dated May 25, 2017) SDG&E is not able at this time to provide detailed cost estimates, or cost-benefit comparisons.

It is difficult to calculate the total cost as it will vary somewhat from company to company depending on how many structures a company has in Tier 2 & Tier 3 areas and the number of fire risks that are identified on a year to year basis but it is the belief that the additional cost will be minimal if any. Companies currently have inspection protocols to identify potential violations and fire risks. Those issues are currently identified, prioritized, assigned a due by date, and scheduled accordingly. The intent of the PR is not to request additional inspections to possibly identify more potential violations and fire risks but to simply correct those identified through current inspection processes sooner than the current timeframe allotted. Therefore, there is no additional anticipated cost impact but rather a simple shift of when the cost is incurred.

- o **Whether and how the costs will be recovered from customers:**

To the extent there are costs associated with implementing this PR, entities will either recover them through the appropriate Commission cost recovery procedures if they are rate regulated or, if not, they will absorb the costs or pass them on to consumers.

- o **Whether and how costs will be shared among electric utilities, CIPs, and others:**

It is not anticipated that costs will be shared among companies.

- **If the PR applies to electric transmission, why the regulations does not conflict with other federal or state regulations:**

This PRC narrows an existing rule in General Order 95. No conflicts with other federal or state regulations have been identified in this proceeding.

- **The timeframe for implementing the PR:**

To allow companies to plan and prepare for the timeframe transition it is reasonable to implement one year from the adoption of the High Fire Threat District Map.

- **Why it is in the public interest to adopt the PR:**

It is in the best interest of the public to require utilities to remove fire risks as soon as possible especially during an area's designated fire season which is the period that poses the highest probability of a catastrophic fire event. By mandating a more stringent corrective timeframe it will minimize the risk of another catastrophic fire event occurring and increase public safety.

- **Whether the PR is exempt from the California Environmental Quality Act (CEQA) and/or the National Environmental Policy Act (NEPA) and, if so, why. Any assertion that CEQA and NEPA do not apply must cite the relevant statutes and/or regulations where the exemption is listed. Conversely, any assertion that CEQA and/or NEPA do apply must (1) cite the relevant statutes and/or regulations that show this, and (2) list the steps that need to occur under CEQA and/or NEPA before the PR can be adopted:**

This proposal is exempt from environmental review under Section 15378 of the California Environmental Quality Act (CEQA) Guidelines because it is not a “project” under CEQA and will not have any potentially significant impact on the environment. NEPA does not apply because adoption of the proposed rule change does not constitute action by a federal agency within the meaning of 42 USC § 4332.

- **Criteria regarding (1) where the PR should apply with respect to new installations and reconstruction in the High Fire-Threat District; and (2) whether existing facilities in the High Fire-Threat District should be retrofitted or replaced to conform to the PRs. *(These criteria should include methods for: (a) Estimating the costs and safety benefits of the PRs, and (b) weighing the costs and safety benefits.):***

The PR should apply to both new and existing facilities that are in the Tier 2 & Tier 3 of the High Fire-Threat District. Since the PR is impacting corrective work from the result of an inspection or other finding, it applies to all facilities in those areas.

- **A detailed summary of any ancillary issues with a direct nexus to the PR:**

No ancillary issues with a direct nexus to the PR have been identified.

- **Other matters to be considered:**

No other matters to be considered have been identified.

### **III.POSITION OF PARTIES**

- **Comments in Support**

#### **IBEW 1245**

This proposal to accelerate repair, replacement or modification of overhead facilities that pose a fire risk in Tiers 2 and 3 of the HFTD is a rational response to an identified threat. The fact that all parties are not supportive of this PR is troubling.

SDG&E’s assertion in their justification for this rule that there is no cost impact associated with expedited repair is compelling. There is no real cost impact by ameliorating these problems with a six month timeline instead of a 12 month timeline.

- **Comments in Opposition**

### **Liberty CalPeco**

Liberty CalPeco opposes the use of the six month resolution timeline for Tier 2 and Tier 3. The PR fails to distinguish between the fire threat of Tier 2 and the fire threat of Tier 3. By definition the Tiers represent varying levels of fire risk; thus, treating them the same defeats the purpose of creating the Tiers.

Complying with a short six month resolution timeline would be infeasible with our current resources or at best extremely costly (e.g., hiring numerous third party contractors). Additionally, the PR contains vague language regarding what circumstances fall under the six month timeline, what qualifies as a “resolution,” and which party will resolve the issue. Vague language contained in the PR could leave parties interpreting the GO 95 Rule in drastically differently ways. Lastly, a resolution timeline should not be located within Rule 31.1. Placing a resolution timeline in this location is confusing and is likely to cause conflicting interpretations (i.e., which resolution timeline reigns: Rule 18 or Rule 31.1?).

### **PacifiCorp**

Please see comments to PR-3 and PR-4 AP-1.

### **The CIP Coalition**

This proposed rule is identical in content to PR-3, with the difference in the proposals resting with the location of the rule in General Order 95. PR-5 would modify Rule 31.1, while PR-3 would modify Rule 18. The CIP Coalition does not support PR-5, and incorporates in this opposition to PR-5 its arguments in opposition to PR-3. In addition, the CIP Coalition submits that placement of this type of directive – i.e., requiring utilities to perform a certain function within a specified time – is ill-suited for Rule 31.1. Rule 31.1 is a generalized Rule requiring supply and telecommunications companies to design, operate and maintain their facilities in conformance with the dictates of General Order 95, taking into account known local conditions. Rule 31.1 does not contain any specific directives, but relies on the other provisions of Rule 95 to provide such specification. A prescriptive directive, such as the one set forth in PR-5 is incongruent with the construct of Rule 31.1.

### **TURN**

TURN supports the adoption of reasonable regulations to improve the safety of utility facilities. In reviewing any new or modified regulations, however, the Commission must weigh the benefits and costs of proposed changes that would have more than a de minimis cost impact on customers. There are, and always will be, many opportunities to improve safety, but ratepayer funds are limited and must not be exhausted on regulatory compliance efforts that are not cost-effective. Under California law, all utility spending for any purpose, including safety, must be justified under Public Utilities Code Section 454(a) and must meet the just and reasonable standard of Section 451. The proponent of this proposed rule, however, explicitly states that it cannot provide detailed costs estimates or cost-benefit comparisons at this time because Fire Map 2 is not yet finalized.

This rule contains the same language as PR-3, proposed by the same party. The proponent states that the costs impact may vary from company to company depending on how many structures a company has in Tier 2 and Tier 3 but suggests that the costs will be minimal because this change would simply shift when the costs are incurred. This rule, however, would create a new requirement that echoes similar language proposed for Rule 18, that non-conformances that create an elevated risk of ignition in Tier 2 and Tier 3 throughout the state be corrected in 6 months. This proposed rule would modify the requirements of Rule 18 and shift the time for correcting non-conformances that create an elevated risk of ignition in Extreme or Very High Fire Threat Districts in Southern California from 12 months to 6 months. Additionally, all nonconforming facilities that may create an elevated fire ignition risk in Northern California in Tier 3 and all of Tier 2, previously excluded from the faster timeline, would now be required to be corrected in 6 months instead of a potential 59 months. Depending on the number of nonconformances this change would encompass, there could indeed be a significant cost impact upon customers. A shifting of those costs in time could still significantly impact customers even if the total cost of the corrective actions remained the same. At this time, it is unknown how many facilities would be affected in each utility territory, if there will be a cost impact for speeding up corrective actions (e.g., increased overtime costs, need to hire additional labor, etc.), or how shifting the time to correct nonconformances would impact customers. There is insufficient information with which to determine either the cost-effectiveness or the reasonableness of this proposed rule, and TURN, therefore, opposes this proposed rule.

- **Final Vote:**

<b>PARTIES</b>	<b>NOT PRESENT</b>	<b>YES</b>	<b>NEUTRAL</b>	<b>NO</b>
AT&T				X
BVES				X
CALTEL	X			
CCTA				X
CFBF	X			
Charter Comm.				X
City of Laguna Beach			X	
CMUA				X
Comcast				X
Consolidated Comm.				X
Cox Comm.				X
Crown Castle				X
CTIA				X
ExteNet	X			
IBEW 1245		X		
LA County Fire				X
LADWP				X
Liberty CalPeco				X
Mussey Grade Road Alliance			X	
PacifiCorp				X
PG&E				X
SED				X
SCE				X
SDG&E		X		
Small LECS				X
SMUD				X
Sprint-Nextel	X			
T-Mobile				X
TURN				X
Frontier				X
Verizon Wireless	X			

**I. PROPOSED *REVISION TO GENERAL ORDER 95 RULE 31.5*****A. Current Rule****31.5 Joint Use of Poles**

Joint use of poles shall be given consideration by all interested parties where construction or reconstruction is involved and where used it shall be subject to the appropriate grade of construction as specified in Section IV. Nothing herein shall be construed as requiring joint use of the same poles, or as granting authority for the use of any poles without the owner's consent (see Rule 32.2 and Section IX).

Each party should definitely designate its space requirements on joint poles, which space shall not be occupied without consent, by equipment of any other party.

Non-climbable poles in partial underground distribution systems (see Rules 22.6–D and 22.5) shall not be jointly used.

**B. Proposed Revisions Shown with Strikeout/Underline****31.5 Joint Use of Poles**

Joint use of poles shall be given consideration by all interested parties where construction or reconstruction is involved and where used it shall be subject to the appropriate grade of construction as specified in Section IV. Nothing herein shall be construed as requiring joint use of the same poles, or as granting authority for the use of any poles without the owner's consent (see Rule 32.2 and Section IX).

In Tiers 2 and 3 of the High Fire Threat District, all attachments must have the consent of a pole owner or granting authority prior to any construction. Any attachment without consent can be reported to the Commission.

Each party should definitely designate its space requirements on joint poles, which space shall not be occupied without consent, by equipment of any other party.

Non-climbable poles in partial underground distribution systems (see Rules 22.6–D and 22.5) shall not be jointly used.

**C. Proposed Final Version****31.5 Joint Use of Poles**

Joint use of poles shall be given consideration by all interested parties where construction or reconstruction is involved and where used it shall be subject to the appropriate grade of construction as specified in Section IV. Nothing herein shall be construed as requiring joint use of the same poles, or as granting authority for the use of any poles without the owner's consent (see Rule 32.2 and Section IX).

In Tiers 2 and 3 of the High Fire Threat District, all attachments must have the consent of a pole owner or granting authority prior to any construction. Any attachment without consent can be reported to the Commission.

Each party should definitely designate its space requirements on joint poles, which space shall not be occupied without consent, by equipment of any other party.

Non-climbable poles in partial underground distribution systems (see Rules 22.6–D and 22.5) shall not be jointly used.

## **II. JUSTIFICATION**

- **Specific electric utilities, CIPs, and others affected:**

This would affect all companies that have facilities within Tiers 2 & 3 of the High Fire-Threat District.

- **Geographic Areas where the rule will apply:**

The addition to the rule will apply to Tiers 2 & 3 of the High Fire-Threat District.

- **How the PR reduces or otherwise addresses fire hazards and/or risks in the High Fire-Threat District:**

Due to the heightened awareness and necessity for pole loading and who is attached to a pole, it is relevant to have the proper authorization prior to attaching. The interested party should submit and abide by the application process set forth by the owner of the pole. In any region, there are known local conditions that the pole owner is aware of. It is imperative that these known local conditions are taken in to consideration when an interested party is wanting to attach. The review of these conditions will result in a fair and proper approval process.

The Malibu Canyon Fire was started when three wooden utility poles came down in a windstorm and the downed power lines sparked a vegetation fire. A California Public Utility Commission staff report determined that the three utility poles were not in compliance with the safety and engineering rules in General Order 95, and that they would have been able to withstand the wind gusts if they had been in compliance. The California Public Utilities Commission ultimately approved settlement agreements between all the joint owners involved. Among the admissions made as part of the settlement agreement, one party admitted having placed attachments on a pole despite having been informed that the attachments would overload the pole, i.e. cause it to become too heavy, in violation of General Order 95.” (A Natural History of the Wooden Utility Pole (CPUC Policy and Planning Division, June 2017, Section 6, “Safety” at p. 20)

There have been other incidents where poles have failed, in large part, due to an unauthorized attachment overloading a pole. Had the proper review process happened, these incidents most likely would have not occurred.



- **The estimated costs of the PR, including, if available, costs incurred by IOUs, POUs, CIPs, and customers:**

As it is not yet known where these rules will apply (Fire Map 2 is not yet finalized into Shape B and will not be final for approximately 4 to 6 more months, per the Picker PD dated May 25, 2017) SDG&E is not able at this time to provide detailed cost estimates, or cost-benefit comparisons.

It is difficult to calculate the total cost as it will vary from company to company depending on how many structures a company is considering attaching to in Tier 2 & Tier 3 but it is the belief that there will be no additional costs. Companies have a current process for approving applications. The intent of the PR is to ensure that all interested parties adhere to the current application process and only attach after an application is approved and no sooner.

- o **Whether and how the costs will be recovered from customers:**

To the extent there are costs associated with implementing this PR, entities will either recover them through the appropriate Commission cost recovery procedures if they are rate regulated or, if not, they will absorb the costs or pass them on to consumers.

- o **Whether and how costs will be shared among electric utilities, CIPs, and others:**

It is not anticipated that costs will be shared among companies.

- **If the PR applies to electric transmission, why the regulations does not conflict with other federal or state regulations:**

Since there is no change to the requirement to attach to electric transmission, there is no anticipated conflict with federal or state regulations.

- **The timeframe for implementing the PR:**

It is the belief that since the application process should already be carried out the timeframe for implementing should be as soon as the PR is adopted.

- **Why it is in the public interest to adopt the PR:**

Due to the high fire risk with respect to an overloaded pole and the potential for a pole failure it is important to ensure that all known local conditions have been accounted for. This risk has been validated by multiple incidents of pole failures due to overloaded poles by unauthorized attachments. By attaching after the full application process has been completed will minimize the risk of another catastrophic fire event occurring and increase public safety.

- **Whether the PR is exempt from the California Environmental Quality Act (CEQA) and/or the National Environmental Policy Act (NEPA) and, if so, why. Any assertion that CEQA and NEPA do not apply must cite the relevant statues and/or regulations where the exemption is listed. Conversely, any assertion that CEQA**

**and/or NEPA do apply must (1) cite the relevant statutes and/or regulations that show this, and (2) list the steps that need to occur under CEQA and/or NEPA before the PR can be adopted:**

This proposal is exempt from environmental review under Section 15378 of the California Environmental Quality Act (CEQA) Guidelines because it is not a “project” under CEQA and will not have any potentially significant impact on the environment. NEPA does not apply because adoption of the proposed rule change does not constitute action by a federal agency within the meaning of 42 USC § 4332.

- **Criteria regarding (1) where the PR should apply with respect to new installations and reconstruction in the High Fire-Threat District; and (2) whether existing facilities in the High Fire-Threat District should be retrofitted or replaced to conform to the PRs. (*These criteria should include methods for: (a) Estimating the costs and safety benefits of the PRs, and (b) weighing the costs and safety benefits.*):**

The PR should apply to both new and existing facilities that are in the Tier 2 & Tier 3 of the High Fire-Threat District. Since the PR is impacting facilities with new attachments, it applies to all facilities in those areas.

- **A detailed summary of any ancillary issues with a direct nexus to the PR:**

No ancillary issues with a direct nexus to the PR have been identified.

- **Other matters to be considered:**

No other matters to be considered have been identified.

### **III. POSITION OF PARTIES**

- **Comments in Support**

#### **IBEW 1245**

IBEW 1245 supports this proposed rule. All electrical utilities are responsible for the physical integrity of a joint pole. If there is a crack in the pole at the communication level that threatens the physical integrity of the pole, utility lineman make the temporary repairs or replace the pole. This is true whether the problem is associated with inappropriate installations at the communication level or a simple failure of the pole itself. Given that the electrical utility is responsible for the physical integrity of the pole itself, the utility should have significant authority over other parties attaching to a joint pole in Tiers 2 and 3 of the HFTD.

#### **SMUD/LADWP and CMUA**

SMUD, LADWP and CMUA ("Joint POU's") support the proposed revision to General Order 95, Rule 31.5 (PR 6) because all entities should be required to follow the proper approval process. However, while the Joint POU's support this provision, there is concern that the proposed

addition to the rule could lead to confusion. The proposed addition could be misinterpreted to mean that the pole owner's permission is not required in Tier 1. This confusion arises because the amendment only specifically references Tier 2 and Tier 3. The Joint POUs believe it would be beneficial to clarify that all attachments to a pole, whether in Tier 1, Tier 2 or Tier 3, require consent of the pole owner prior to any construction. Moreover, unauthorized attachments in Tier 1 should also be reported to the Commission under General Order 95, Rule 31.5.

- **Comments in Opposition**

### **The CIP Coalition**

The CIPs strongly support the principle that attachments should not be made to poles unless and until the attacher complies with the established process for applying for such attachments, which, depending on the pole owner and attacher, may be set forth in contracts between the parties, the Commission's ROW Rules or in the NCJPA/SCJPC Routine Handbooks. It is critical that pole owners be made fully aware of proposed attachments to poles they own and given an opportunity to confirm that the pole can support the load of the proposed attachment and that the proposed attachment will not interfere with their use of the pole. However, the CIPs oppose PR 6 for a number of reasons.

First, the change proposed to Rule 31.5 by PR 6 could be interpreted to require a different pole access application and approval process than that established by the Commission in the ROW Rules, by pole owners in the NCJPA and SCJPC Routine Handbooks and by parties in individual contracts. The Commission set forth a process for *lessees* to gain access to poles in the 1998 ROW Decision, D.98-10-058. That decision requires pole attachers to submit a request for access to the pole owner that describes the equipment and contains pole loading information.<sup>6</sup> The ROW Rules require that the pole owner shall provide a response in writing to attachment requests "as quickly as possible, which, in the case of Pacific or GTEC, shall not exceed 45 days."<sup>7</sup> The ROW Rules further provide that "[f]ailure of Pacific or GTEC to respond within 45 days shall be deemed an acceptance of the request for access."<sup>8</sup>

Access rights for *joint pole owners* are specified in the Routine Handbooks of the NCJPA and the SCJPC. For example, Section 18.1-D of the SCJPC Routine Handbook (2016 Ed.) states: "The return of Form 2 Preliminary Joint Pole Authorization shall be within 45 days of date sent. Automatic Approval - The Form 2 Preliminary Joint Pole Authorization will be considered approved when 45 days have elapsed from date sent of Form 2 Preliminary Joint Pole Authorization to other Member(s), and there is no written protest or request for review." Similarly, Section 18.1-D of the NCJPA Routine Handbook (2015 Ed.) provides as follows:

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<sup>6</sup> D.98-10-058, Appendix A, Section IV.A ("The request for access shall contain the following: 1. Information for contacting the carrier or cable TV company, including project engineer, and name and address of person to be billed. 2. Loading information, which includes grade and size of attachment, size of cable, average span length, wind loading of their equipment, vertical loading, and bending movement. 3. Copy of property lease or right-of-way document.").

<sup>7</sup> *Id.*, Section IV.B.1.

<sup>8</sup> *Id.*

(a) Response Time - The return of Form 2 Preliminary Joint Pole Authorization shall be within 45 days of sending.

(b) Automatic Approval - Form 2 Preliminary Joint Pole Authorization will be considered approved when:

(1) 45 days have elapsed from sending of Form 2 Preliminary Joint Pole Authorization by other Member; and the Authorization may be finalized by the issuing Member when:

(2) There is no written protest or request for review of Form 2 Preliminary Joint Pole Authorization, and 45 days have elapsed from issuance of Form 48, to the other owner(s), indicating the work has been completed and the work was completed substantially as previously approved.”

Based on conversations that occurred at the workshops, it does not appear as if it were the intent of the rule proponent to seek to change the existing access process. However, attempts to clarify this during the workshops were not successful. The CIPs are concerned that PR 6 in its current form could be interpreted to require affirmative consent in every instance from every pole owner when the ROW Rules and the NCJPA/SCJPC Routine Handbooks clearly permit construction after a defined period of time has elapsed without a response. Such a rule thus runs the risk of severely hindering the deployment of broadband and other competitive telecommunications services in contravention of Commission policy under P.U. Code § 709.

Second, there are already rules in place governing unauthorized attachments, and it is unclear how making unauthorized attachment a GO 95 violation will provide the utilities with more protection than they have today. Section IV.D of the ROW Rules already establish a per attachment fine for an unauthorized attachment of \$500 payable to the utility, allow the Commission to impose additional sanctions as “necessary to deter the party from in the future breaching its duty to obtain permission before attaching”, and provide that any order imposing sanction will be accompanied by findings of fact that would allow the pole owner to seek further remedies in a civil action.<sup>9</sup>

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<sup>9</sup> D.98-10-058, Appendix A, Section VI.D (Unauthorized Attachments) provides as follows:

1. No telecommunications carrier or cable TV company may attach to the right of way or support structure of another utility without the express written authorization from the utility.
2. For every violation of the duty to obtain approval before attaching, the owner or operator of the unauthorized attachment shall pay to the utility a penalty of \$500 for each violation. This fee is in addition to all other costs which are part of the attacher's responsibility. Each unauthorized pole attachment shall count as a separate violation for assessing the penalty.
3. Any violation of the duty to obtain permission before attaching shall be cause for imposition of sanctions as, in the Commissioner's judgment, are necessary to deter the party from in the future breaching its duty to

Third, this type of access rule (as opposed to a construction and maintenance rule) is not appropriate for GO 95 and certainly not appropriate for consideration in the current docket which is focused on regulation to implement a Fire Safety Map. The stated purpose of GO 95 “is to formulate, for the State of California, requirements for overhead line design, construction, and maintenance ....”<sup>10</sup> GO 95 has few, if any, rules pertaining to pole access. Even Rule 31.5 is a very general rule with no specifics. Instead, as is explained above, the pole access rules contained in the Commission’s ROW Rules, the NCJPA and SCJPC Routine Handbooks, and private contracts already comprehensively address pole access. Changes to the access rules should be made in those governing documents, not through changes to GO 95. Moreover, this type rule change is particularly inappropriate for the instant rulemaking, which is focused on GO 95 rule changes needed to implement the Fire Safety Map.<sup>11</sup> The fact that this proposed rule change is not appropriate for this more limited docket is evidenced by the fact that SDG&E’s original proposed change for this rule was not limited to the High Fire Threat District.<sup>12</sup>

Fourth, given the inadequacies and inconsistencies in pole owner record-keeping, it will be difficult to determine compliance with this rule. As became apparent at the Pole and Conduit Database Management Workshop conducted by the Commission on March 17, 2017, the completeness, accuracy and accessibility of pole records vary among pole owners. CIPs have had the experience of obtaining notices from utilities claiming certain attachments are unauthorized, when in fact only the paperwork had been lost. If PR 6 is adopted, CIPs may face potential GO 95 violations (on top of existing penalties) for attachments that are in fact

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obtain permission before attaching. Any Commission order imposing such sanctions will be accompanied by findings of fact that permit the pole owner to seek further remedies in a civil action.

4. This Section D applies to existing attachments as of the effective date of these rules.

<sup>10</sup> GO 95, Rule 11.

<sup>11</sup> As summarized in OIR 15-05-006 (at 2), the scope this proceeding is to:  
[D]evelop and adopt maps that depict areas of the State where there is an elevated risk of power-line fires igniting and spreading rapidly. The California Department of Forestry and Fire Protection will have a primary role in the development of these fire-threat maps. The adopted fire-threat maps will be used to: (1) accurately designate the high fire-threat areas where many of the fire-safety regulations adopted in Rulemaking (R.) 08-11-005 apply, and (2) assess the need for additional fire-safety regulations. New fire-safety regulations will be adopted, as appropriate.

<sup>12</sup> See 2-10-17 SDG&E PR 10 (emphasis added) “**40 General** The following rules cover mechanical strength requirements for each class of line (see Rule 20.6), either alone or involved in crossings, conflicts or joint use of poles. The rules of this section are supplemented in many instances by provisions in other sections. If the owner of a supply line has established mechanical strength requirements such as wind pressures and/or ice loadings for known local conditions and/or for Fire-Threat Districts that are more stringent than those set forth in the following rules, then all parties seeking to attach to such lines shall comply with the more stringent requirements.”

authorized. Moreover, in the absence of a statewide database or other centralized pole record system, it is unclear how SED would enforce this rule.

Finally, although the CIPs do not believe that changes to the unauthorized attachment rules are needed, to the extent that the Commission wishes to consider such changes, the CIPs respectfully suggest that they be considered in the conjunction with improvements in utility pole record-keeping and the potential development of the statewide pole database that it appears will be addressed in the proposed Pole OII/OIR. And in fact in a proceeding that is proposed to be consolidated with that docket, at least one party has already proposed a change in the unauthorized attachment rules.<sup>13</sup>

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<sup>13</sup> R.17-03-009, Southern California Edison's Reply Comments at 3 (filed May 15, 2017) (proposing to increase the unauthorized attachment penalty found in the ROW Rules to "at least \$15,000 per unauthorized attachment.").

- **Final Vote:**

<b>PARTIES</b>	<b>NOT PRESENT</b>	<b>YES</b>	<b>NEUTRAL</b>	<b>NO</b>
AT&T				X
BVES			X	
CALTEL	X			
CCTA				X
CFBF	X			
Charter Comm.				X
City of Laguna Beach			X	
CMUA		X		
Comcast				X
Consolidated Comm.				X
Cox Comm.				X
Crown Castle				X
CTIA				X
ExteNet	X			
IBEW 1245		X		
LA County Fire			X	
LADWP		X		
Liberty CalPeco			X	
Mussey Grade Road Alliance			X	
PacifiCorp			X	
PG&E				X
SED			X	
SCE				X
SDG&E		X		
Small LECS				X
SMUD		X		
Sprint-Nextel	X			
T-Mobile				X
TURN			X	
Frontier				X
Verizon Wireless	X			

PR: 7

PROPONENT: Fire Safety Technical Panel

**I. PROPOSED *REVISION TO GENERAL ORDER 95, RULE 37, TABLE 1, CASE 14*  
AND REF. (HHH)**

**A. Current Rule**

Case No.	Nature of Clearance	Wire or Conductor Concerned						
		A Span Wires (Other than Trolley Span Wires) Overhead Guys and Messengers	B Communication Conductors (Including Open Wire, Cables and Service Drops), Supply Service Drops of 0 - 750 Volts	C Trolley Contact, Feeder and Span Wires, 0 - 5,000 Volts	D Supply Conductors of 0 - 750 Volts and Supply Cables Treated as in Rule 57.8	E Supply Conductors and Supply Cables, 750 - 22,500 Volts	F Supply Conductors and Supply Cables, 22.5 - 300 kV	G Supply Conductors and Supply Cables, 300 - 550 kV (mm)
14	Radial clearance of bare line conductors from vegetation in Extreme and Very High Fire Threat Zones in Southern California (aaa) (ddd) (hhh)(jjj)			18 inches (bbb)		48 inches (bbb) (iii)	48 inches (fff)	120 inches (ggg)



## References to Rules Modifying Minimum Clearances in Table 1

(hhh) Extreme and Very High Fire Threat Zones are defined by California Department of Forestry and Fire Protection's Fire and Resource Assessment Program (FRAP) Fire Threat Map. The FRAP Fire Threat Map is to be used to establish approximate boundaries for purposes of this rule. The boundaries of the map are to be broadly construed, and utilities should use their own expertise and judgment to determine if local conditions require them to adjust the boundaries of the map. Southern California is defined as the following: Imperial, Los Angeles, Orange, Riverside, Santa Barbara, San Bernardino, San Diego, and Ventura Counties.

### **B. Proposed Revisions Shown with Strikeout/Underline**

Case No.	Nature of Clearance	Wire or Conductor Concerned						
		A	B	C	D	E	F	G
		Span Wires (Other than Trolley Span Wires) Overhead Guys and Messengers	Communication Conductors (Including Open Wire, Cables and Service Drops), Supply Service Drops of 0 - 750 Volts	Trolley Contact, Feeder and Span Wires, 0 - 5,000 Volts	Supply Conductors of 0 - 750 Volts and Supply Cables Treated as in Rule 57.8	Supply Conductors and Supply Cables, 750 - 22,500 Volts	Supply Conductors and Supply Cables, 22.5 - 300 kV	Supply Conductors and Supply Cables, 300 - 550 kV (mm)
14	Radial clearance of bare line conductors from vegetation in <del>Extreme and Very High Fire Threat Zones</del> in Southern			18 inches (bbb)		48 inches (bbb) (iii)	48 inches (fff)	120 inches (ggg)

	n Californ ia and <u>Tier 3 of the High Fire Threat District</u> (aaa) (ddd) (hhh)(jjj )							
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### References to Rules Modifying Minimum Clearances in Table 1

(hhh) ~~Extreme and Very High Fire Threat Zones are defined by California Department of Forestry and Fire Protection's Fire and Resource Assessment Program (FRAP) Fire Threat Map. The FRAP Fire Threat Map is to be used to establish approximate boundaries for purposes of this rule. The boundaries of the map are to be broadly construed, and utilities should use their own expertise and judgment to determine if local conditions require them to adjust the boundaries of the map.~~ Southern California is defined as the following: Imperial, Los Angeles, Orange, Riverside, Santa Barbara, San Bernardino, San Diego, and Ventura Counties.

### C. Proposed Final Version

Case No.	Nature of Clearance	Wire or Conductor Concerned						
		A Span Wires (Other than Trolley Span Wires) Overhead Guys and Messengers	B Communication Conductors (Including Open Wire, Cables and Service Drops), Supply Service Drops of 0 - 750 Volts	C Trolley Contact, Feeder and Span Wires, 0 - 5,000 Volts	D Supply Conductors of 0 - 750 Volts and Supply Cables Treated as in Rule 57.8	E Supply Conductors and Supply Cables, 750 - 22,500 Volts	F Supply Conductors and Supply Cables, 22.5 - 300 kV	G Supply Conductors and Supply Cables, 300 - 550 kV (mm)
14	Radial clearance of bare			18 inches (bbb)		48 inches (bbb)	48 inches (fff)	120 inches (ggg)

line conduct ors from vegetati on in Souther n Californ ia and Tier 3 of the High Fire Threat District (aaa) (ddd) (hhh)(jjj )					(iii)		
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### References to Rules Modifying Minimum Clearances in Table 1

(hhh) Southern California is defined as the following: Imperial, Los Angeles, Orange, Riverside, Santa Barbara, San Bernardino, San Diego, and Ventura Counties.

## II. JUSTIFICATION

- **Specific electric utilities, CIPs, and others affected:**

The revised rule would be applicable to electric utilities, communication companies, and other companies owning/operating overhead electric and communication lines in California subject to the Commission's jurisdiction.

- **Geographic Areas where the rule will apply:**

The revised rule would apply to Tier 3 of the High Fire Threat District in Southern California.

- **How the PR reduces or otherwise addresses fire hazards and/or risks in the High Fire-Threat District:**

This original version of this rule was adopted in Phase 2 or CPUC Rulemaking (R) 08-11-005. The proposed revision continues to require jurisdictional electric utilities and other companies owning/operating overhead electric lines in Southern California to give special consideration to vegetation-to-line clearances in Tier 3 of the High Fire Threat District.

- **The estimated costs of the PR, including, if available, costs incurred by IOUs, POUs, CIPs, and customers:**

A cost /benefit analysis for this PR was not performed. In D.17-01-009 the Commission concluded that public safety requires the most restrictive fire-safety regulations which currently apply only to certain high fire-threat areas on the interim fire-threat maps, should transfer automatically to Tier 3 of the High Fire Threat District in Southern California. Because the final Shape B map is not available, an analysis and comparison of Tier 3 (of the High Fire Threat District) to Extreme and Very High Fire Threat Zones in the FRAP map could not be performed.

- o **Whether and how the costs will be recovered from customers:**

The necessary cost recovery from customers has not been determined because the final Shape B map is not available and an analysis and comparison of Tier 3 (of the High Fire Threat District) to Extreme and Very High Fire Threat Zones in the FRAP map could not be performed.

- o **Whether and how costs will be shared among electric utilities, CIPs, and others:**

The necessary cost recovery from customers has not been determined because the final Shape B map is not available and an analysis and comparison of Tier 3 (of the High Fire Threat District) to Extreme and Very High Fire Threat Zones in the FRAP map could not be performed.

- **If the PR applies to electric transmission, why the regulations does not conflict with other federal or state regulations:**

The revised rule does apply to electric transmission, however, the current vegetation-to-line clearances in GO 95 are equal to or more stringent than the vegetation-to-line clearances prescribed for transmission lines subject to state or federal regulations.

- **The timeframe for implementing the PR:**

The revised rule should become effective 12-months after Commission adoption of the final Shape B to allow electric utilities adequate time to perform any necessary supplemental pruning and/or tree removals.

- **Why it is in the public interest to adopt the PR:**

This revised rule requires jurisdictional electric utilities and other companies owning/operating overhead electric lines in Southern California to give special consideration to vegetation-to-line clearances in Tier 3 of the High Fire Threat District.

- **Whether the PR is exempt from the California Environmental Quality Act (CEQA) and/or the National Environmental Policy Act (NEPA) and, if so, why. Any assertion that CEQA and NEPA do not apply must cite the relevant statutes and/or regulations where the exemption is listed. Conversely, any assertion that CEQA and/or NEPA do apply must (1) cite the relevant statutes and/or regulations that show this, and (2) list the steps that need to occur under CEQA and/or NEPA before the PR can be adopted:**

This revised rule is exempt from environmental review under Section 15378 of the California Environmental Quality Act (CEQA) Guidelines because it is not a “project” under CEQA and will not have any potentially significant impact on the environment. NEPA does not apply because adoption of the proposed rule change does not constitute action by a federal agency within the meaning of 42 USC § 4332.

- **Criteria regarding (1) where the PR should apply with respect to new installations and reconstruction in the High Fire-Threat District; and (2) whether existing facilities in the High Fire-Threat District should be retrofitted or replaced to conform to the PRs. *(These criteria should include methods for: (a) Estimating the costs and safety benefits of the PRs, and (b) weighing the costs and safety benefits.)*:**

This revised rule should not require new criteria with respect to new installations or reconstruction in the High Fire Threat District; however, some analysis is expected to in order to determine whether overhead lines in the High Fire Threat District should be retrofitted or replaced to assure compliance.

- **A detailed summary of any ancillary issues with a direct nexus to the PR:**

This rule relies, in part, on the adoption of a new definition for High Fire Threat District being added to GO 95 as described in PR-23. No other ancillary issues with a direct nexus to this PR have been identified.

- **Other matters to be considered:**

No other matters for consideration have been identified.

### **III. POSITION OF PARTIES**

- **Comments in Support**

#### **Liberty CalPeco**

Liberty CalPeco supports PR-7 as this PR is not cost-prohibitive but ensures safety in the most fire prone areas of the State.

- **Comments in Opposition**

#### **SED**

Decision (D.)12-01-032 issued in Phase 2 of Rulemaking (R.)08-11-005 adopted a total of six (6) regulations, in General Orders (GOs) 95, 165, and 166, which referenced two (2) separate interim fire-threat maps: (1) California Department of Forestry and Fire Protection's (CALFIRE) Fire and Resource Assessment Program (FRAP) Fire Threat Map (i.e. FRAP Map) and (2) Reax Engineering's Fire Threat Map (Reax Map). The FRAP Map was intended to be used for Southern California and the Reax Map for Northern California. More specifically, all six (6) regulations referenced either the "Extreme" and "Very High" Fire Threat Zones of the FRAP Map (i.e. the two highest of four FRAP Map tiers, excluding non-fuel and not mapped areas) or Threat Classes 3 and 4 of the Reax Map (i.e. the two highest Reax Map tiers). Accordingly, all six (6) of the fire-safety regulations adopted in D.12-01-032 incorporated a Northern and Southern California delineation. Additionally, it should be noted that all references to the interim fire-threat maps (i.e. FRAP Map and Reax Map) in existing regulations are applied to the two (2) highest tier classifications (i.e. "Extreme" and "Very High" Fire Threat Zones or Threat Classes 3 and 4) of the referenced maps.

There are two (2) primary issues manifested in D.12-01-032, and further convoluted by requirements in D.17-01-009, that carry over into the six (6) existing fire-safety regulations which are all proposed as FSTP-sponsored PRs (i.e. PRs 4, 7, 16, 17, 20, and 21). The first issue is a continued Northern and Southern California delineation, originating as a result of the two (2) interim maps, which SED contends should no longer be applicable given the impending adoption of a statewide map. Secondly, as pointed out above, existing fire-safety regulations (i.e. regulations referencing one of two interim fire-threat maps) are scoped to apply in the two (2) highest tier classifications of each respective fire-threat map. SED asserts that these specific high value tier classification references (i.e. "Extreme" and "Very High" Fire Threat Zones or Threat Classes 3 and 4) in the existing regulations represent the embryonic framework and original conception of what is currently referenced as the High Fire Threat District (HFTD), in that they represent the highest areas of concern, as identified on a fire-threat map, for the purposes of scoping specific fire-safety regulations. In D.17-01-009, the Commission identified and defined the elements which comprise the HFTD for the purpose of scoping and potentially adopting new and/or enhanced fire safety regulations in R.15-05-006. As such, SED concludes that, in order to keep with the spirit and intent of the six (6) existing fire-safety regulations, when the map references are updated from the existing interim maps they should transfer from the interim "fire-threat districts" to the recently Commission-defined HFTD. Yet, Ordering Paragraph (OP) 10 of D.17-01-009 instructed parties that existing fire-safety regulations applied in Northern and Southern California would transfer only to Tier 3 of the HFTD. SED contends that this is a fundamental flaw in the logic of D.17-01-009. However, instead of filing a petition to modify the Decision, SED intends to address this transference issue as well as the carryover Northern and Southern California delineation issue in its submitted APs.

PR 7 is put forth as an FSTP-sponsored PR following a decision made during FSTP workshops, prior to all-party workshops, regarding potential fire-safety regulations for the HFTD, that all FSTP-sponsored PRs would only update existing regulations which currently reference the interim fire-threat maps adopted in R.08-11-005 as instructed in OP.10 of D.17-01-009. For the

reasons stated above, SED opposes PR 7 and urges the Commission to instead adopt the changes proposed in PR 7-AP1.

## **TURN**

TURN supports the adoption of reasonable regulations to improve the safety of utility facilities. In reviewing any new or modified regulations, however, the Commission must weigh the benefits and costs of proposed changes that would have more than a de minimis cost impact on customers. There are, and always will be, many opportunities to improve safety, but ratepayer funds are limited and must not be exhausted on regulatory compliance efforts that are not cost-effective. Under California law, all utility spending for any purpose, including safety, must be justified under Public Utilities Code Section 454(a) and must meet the just and reasonable standard of Section 451. The proponent of this proposed rule states that, “Because the final Shape B map is not available, an analysis and comparison of Tier 3 (of the High Fire Threat District) to Extreme and Very High Fire Threat Zones in the FRAP map could not be performed.” For the same reason, the proponent could not determine necessary cost recovery or cost sharing mechanisms.

The proponent of this rule states, “In D.17-01-009 the Commission concluded that public safety requires the most restrictive fire-safety regulations which currently apply only to certain high fire-threat areas on the interim fire-threat maps, should transfer automatically to Tier 3 of the High Fire Threat District in Southern California.” TURN understand that the transfer required by D.17-01-009 is not intended to significantly broaden the application of this rule, but there is insufficient information with which to determine the full impact of the proposed changes or assess the cost-effectiveness or reasonableness of this proposed rule. TURN, therefore, cannot provide a final vote in support of this rule. TURN notes that PR-7 AP1 and PR-7 AP2 both propose changes that would significantly broaden the scope of the vegetation guidelines addressed in this rule beyond Southern California to the entire state. The costs and benefits of those proposed changes must be assessed to ensure that ratepayer funds are only spent on the cost-effective measures. The assessment of PR-7 can occur simultaneously with the review of PR-7 AP1 and AP2 and would likely not significantly delay the process of authorizing final regulations.

Additionally, TURN is concerned that the wording of the proposed modifications to the existing rule are unclear and can be misunderstood. The final proposed language is stated as, “Radial clearance of bare line conductors from vegetation in Southern California and Tier 3 of the High Fire Threat District.” This language could be misconstrued to apply the clearances to all of Southern California AND all Tier 3, instead of to Tier 3 areas within Southern California. TURN recommends that, if the proposed rule is adopted, the language should be clarified to “Radial clearance of bare line conductors from vegetation in Tier 3 of the High Fire Threat District in Southern California.”

For the reasons given above, TURN, opposes this proposed rule.

- **Final Vote:**

<b>PARTIES</b>	<b>NOT PRESENT</b>	<b>YES</b>	<b>NEUTRAL</b>	<b>NO</b>
AT&T			X	
BVES			X	
CALTEL	X			
CCTA			X	
CFBF	X			
Charter Comm.			X	
City of Laguna Beach			X	
CMUA			X	
Comcast			X	
Consolidated Comm.			X	
Cox Comm.			X	
Crown Castle			X	
CTIA			X	
ExteNet	X			
IBEW 1245		X		
LA County Fire				X
LADWP			X	
Liberty CalPeco		X		
Mussey Grade Road Alliance			X	
PacifiCorp		X		
PG&E		X		
SED				X
SCE		X		
SDG&E			X	
Small LECS			X	
SMUD			X	
Sprint-Nextel	X			
T-Mobile			X	
TURN				X
Frontier			X	
Verizon Wireless	X			



**I. PROPOSED *REVISION TO* GENERAL ORDER 95, RULE 37, TABLE 1, CASE 14 AND REF. (HHH)**

**A. Current Rule**

Case No.	Nature of Clearance	Wire or Conductor Concerned						
		A Span Wires (Other than Trolley Span Wires) ) Overhead Guys and Messengers	B Communication Conductors (Including Open Wire, Cables and Service Drops), Supply Service Drops of 0 - 750 Volts	C Trolley Contact, Feeder and Span Wires, 0 - 5,000 Volts	D Supply Conductors of 0 - 750 Volts and Supply Cables Treated as in Rule 57.8	E Supply Conductors and Supply Cables, 750 - 22,500 Volts	F Supply Conductors and Supply Cables, 22.5 - 300 kV	G Supply Conductors and Supply Cables, 300 - 550 kV (mm)
14	Radial clearance of bare line conductors from vegetation in Extreme and Very High Fire Threat Zones in Southern California (aaa) (ddd) (hhh)(jjj)			18 inches (bbb)		48 inches (bbb) (iii)	48 inches (fff)	120 inches (ggg)

## References to Rules Modifying Minimum Clearances in Table 1

(hhh) Extreme and Very High Fire Threat Zones are defined by California Department of Forestry and Fire Protection's Fire and Resource Assessment Program (FRAP) Fire Threat Map. The FRAP Fire Threat Map is to be used to establish approximate boundaries for purposes of this rule. The boundaries of the map are to be broadly construed, and utilities should use their own expertise and judgment to determine if local conditions require them to adjust the boundaries of the map. Southern California is defined as the following: Imperial, Los Angeles, Orange, Riverside, Santa Barbara, San Bernardino, San Diego, and Ventura Counties.

### B. Proposed Revisions Shown with Strikeout/Underline

Case No.	Nature of Clearance	Wire or Conductor Concerned						
		A	B	C	D	E	F	G
		Span Wires (Other than Trolley Span Wires) Overhead Guys and Messengers	Communication Conductors (Including Open Wire, Cables and Service Drops), Supply Service Drops of 0 - 750 Volts	Trolley Contact, Feeder and Span Wires, 0 - 5,000 Volts	Supply Conductors of 0 - 750 Volts and Supply Cables Treated as in Rule 57.8	Supply Conductors and Supply Cables, 750 - 22,500 Volts	Supply Conductors and Supply Cables, 22.5 - 300 kV	Supply Conductors and Supply Cables, 300 - 550 kV (mm)
14	Radial clearance of bare line conductors from vegetation in <del>Extreme and Very High Fire Threat Zones in Southern California</del> <u>the High</u>			18 inches (bbb)		48 inches (bbb) (iii)	48 inches (fff)	120 inches (ggg)

	Fire Threat District (aaa) (ddd) (hhh)(jjj)							
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### References to Rules Modifying Minimum Clearances in Table 1

(hhh) ~~Extreme and Very High Fire Threat Zones are defined by California Department of Forestry and Fire Protection's Fire and Resource Assessment Program (FRAP) Fire Threat Map. The FRAP Fire Threat Map is to be used to establish approximate boundaries for purposes of this rule. The boundaries of the map are to be broadly construed, and utilities should use their own expertise and judgment to determine if local conditions require them to adjust the boundaries of the map. Southern California is defined as the following: Imperial, Los Angeles, Orange, Riverside, Santa Barbara, San Bernardino, San Diego, and Ventura Counties. The High Fire Threat District is defined in GO 95, Rule 23.2-D.~~

### C. Proposed Final Version

Case No.	Nature of Clearance	Wire or Conductor Concerned						
		A Span Wires (Other than Trolley Span Wires) Overhead Guys and Messengers	B Communication Conductors (Including Open Wire, Cables and Service Drops), Supply Service Drops of 0 - 750 Volts	C Trolley Contact, Feeder and Span Wires, 0 - 5,000 Volts	D Supply Conductors of 0 - 750 Volts and Supply Cables Treated as in Rule 57.8	E Supply Conductors and Supply Cables, 750 - 22,500 Volts	F Supply Conductors and Supply Cables, 22.5 - 300 kV	G Supply Conductors and Supply Cables, 300 - 550 kV (mm)
14	Radial clearance of bare line conductors from vegetation in the High			18 inches (bbb)		48 inches (bbb) (iii)	48 inches (fff)	120 inches (ggg)

	Fire Threat District (hhh) (aaa) (ddd) (jjj)							
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## References to Rules Modifying Minimum Clearances in Table 1

(hhh) The High Fire Threat District is defined in GO 95, Rule 23.2-D.

## II. JUSTIFICATION

- **Specific electric utilities, CIPs, and others affected:**

The proposed revision would be applicable to all jurisdictional utilities with overhead facilities in the High Fire Threat District (HFTD) which meet the voltage thresholds established in General Order (GO) 95, Rule 37, Table 1, Case 14.

- **Geographic Areas where the rule will apply:**

The revised rule would apply in the entire HFTD.

- **How the PR reduces or otherwise addresses fire hazards and/or risks in the High Fire-Threat District:**

The original version of this rule was adopted in Phase 2 of CPUC Rulemaking (R.) 08-11-005. The proposed revision expands the existing requirements, established in R.08-11-005, which require jurisdictional electric utilities and other companies owning/operating overhead electric lines to give special consideration to vegetation-to-line clearances in areas of Southern California identified as Tier 3 of the HFTD (as directed by D.17-01-009 and proposed in PR-7) on the CPUC's Fire Threat Map to apply to the entire HFTD throughout the state. In Decision (D.) 17-01-009, the Commission defined the HFTD as consisting of three (3) individual parameters, as follows: (1) Tier 2 (elevated risk tier) of the CPUC's Fire Threat Map, (2) Tier 3 (extreme risk tier) of the CPUC's Fire Threat Map, and (3) Tier 1 (highest tier) of the United States Forest Service (USFS) and CAL FIRE's joint map of Tree Mortality High Hazard Zones (HHZs). Clearly, the Commission believes the areas identified by the HFTD merit receiving special consideration. Seeing as the Commission deemed it significant enough to include Tier 1 HHZs as part of its HFTD, it would be logical to assert that any modifications to existing vegetation management practices should give consideration and apply in Tier 1 HHZ areas, as these have been deemed as hazardous vegetation. As it currently stands, this proposed alternative language is the only proposed regulation (PR) which applies any requirements in Tier 1 of the HFTD (i.e. Tier 1 HHZs). Given that this proposal is regarding vegetation management requirements in high fire-threat areas, not including Tier 1 of the HFTD seems myopic. By expanding existing vegetation clearance requirements to the entire HFTD, the Commission would ensure that the

most stringent vegetation clearance requirements would be applied specifically to areas the Commission defined, and an independent team of subject matter experts, including the State's own fire agency (i.e. CAL FIRE), deemed to be at an elevated or extreme risk of a catastrophic wildfire in the event of a utility-caused ignition. As vegetation-related ignitions are one of the largest fire hazards for overhead electric lines, it would be prudent of the Commission to require the most stringent vegetation clearances in the HFTD.

- **The estimated costs of the PR, including, if available, costs incurred by IOUs, POUs, CIPs, and customers:**

A cost/benefit analysis for this PR was not performed. To effectively conduct a cost/benefit analysis for this PR, it would be required to know the difference, in area, between the land covered by the "Extreme" and "Very High" tiers of the FRAP Map and the HFTD. Regardless, there would be cost implications as a result of expanding this requirement to apply statewide (in the entire HFTD) as opposed to southern California only. A number of electric utilities and owners of overhead electric facilities in northern California indicated that increasing the requirement to include northern California and cover the entire HFTD may have significant cost implications. While there certainly may be more dense vegetation cover in northern California (e.g. PG&E has stated that it has over 50 million trees in its service territory), SED believes that the presence of abundant vegetation makes it even more critical that appropriate vegetation clearances are maintained throughout the entire HFTD. It has been stated numerous times by both independent and utility experts that vegetation contact is one of the most significant fire hazards posed by the environment on overhead electric lines. The Butte Fire exemplified that catastrophic vegetation-related utility wildfires are not exclusive to southern California. Therefore, SED believes that the costs incurred from expanding the applicable scope of these vegetation clearance requirements will be far outweighed by the potential benefit of preventing catastrophic wildfires in areas deemed to pose a high fire threat (i.e. the HFTD).

- o **Whether and how the costs will be recovered from customers:**

The proposed revision would not impact the method by which costs are currently recovered for compliance with the existing regulation. As such, SED believes that the cost recovery mechanism currently employed by affected utilities will not be impacted.

- o **Whether and how costs will be shared among electric utilities, CIPs, and others:**

The proposed revision would not impact the method by which costs are currently shared among electric utilities, CIPs, and others for compliance with the existing regulation. As such, SED believes that the cost sharing mechanism currently employed by affected utilities will not be impacted.

- **If the PR applies to electric transmission, why the regulations does not conflict with other federal or state regulations:**

The revised rule does apply to electric transmission. Required vegetation-to-line clearances in GO 95 are more stringent than the clearances prescribed for transmission lines subject to NERC Standard FAC-003.

- **The timeframe for implementing the PR:**

The revised rule should become effective within 36 months after the Commission adopts a new Fire Threat Map.

- **Why it is in the public interest to adopt the PR:**

The proposed revision expands the existing requirements, established in R.08-11-005, which require jurisdictional electric utilities and other companies owning/operating overhead electric lines to give special consideration to vegetation-to-line clearances in areas of Southern California identified as Tier 3 of the HFTD (as directed by D.17-01-009 and proposed in PR-7) on the CPUC's Fire Threat Map to apply to the entire HFTD throughout the state. In D.17-01-009, the Commission defined the HFTD as consisting of three (3) individual parameters, as follows: (1) Tier 2 (elevated risk tier) of the CPUC's Fire Threat Map, (2) Tier 3 (extreme risk tier) of the CPUC's Fire Threat Map, and (3) Tier 1 (highest tier) of the United States Forest Service (USFS) and CAL FIRE's joint map of Tree Mortality High Hazard Zones (HHZs). Clearly, the Commission believes the areas identified by the HFTD merit receiving special consideration. Seeing as the Commission deemed it significant enough to include Tier 1 HHZs as part of its HFTD, it would be logical to assert that any modifications to existing vegetation management practices should give consideration and apply in Tier 1 HHZ areas, as these have been deemed as hazardous vegetation. As it currently stands, this proposed alternative language is the only proposed regulation (PR) which applies any requirements in Tier 1 of the HFTD (i.e. Tier 1 HHZs). Given that this proposal is regarding vegetation management requirements in high fire-threat areas, not including Tier 1 of the HFTD seems myopic. By expanding existing vegetation clearance requirements to the entire HFTD, the Commission would ensure that the most stringent vegetation clearance requirements would be applied specifically to areas the Commission defined, and an independent team of subject matter experts, including the State's own fire agency (i.e. CAL FIRE), deemed to be at an elevated or extreme risk of a catastrophic wildfire in the event of a utility-caused ignition. As vegetation-related ignitions are one of the largest fire hazards for overhead electric lines, it would be in the public interest and prudent of the Commission to require the most stringent vegetation clearances in the HFTD.

- **Whether the PR is exempt from the California Environmental Quality Act (CEQA) and/or the National Environmental Policy Act (NEPA) and, if so, why. Any assertion that CEQA and NEPA do not apply must cite the relevant statutes and/or regulations where the exemption is listed. Conversely, any assertion that CEQA and/or NEPA do apply must (1) cite the relevant statutes and/or regulations that show this, and (2) list the steps that need to occur under CEQA and/or NEPA before the PR can be adopted:**

This proposal is exempt from environmental review under Section 15378 of the California Environmental Quality Act (CEQA) Guidelines because it is not a "project" under CEQA. This proposal is exempt from environmental review under Section 15378 of the California Environmental Quality Act (CEQA) Guidelines because it is not a "project" under CEQA. The proposed revision will not result in a project under CEQA. CEQA only applies to "projects," which are defined in relevant part as "an activity involving the issuance to a person of a lease, permit, license, certificate, or other entitlement for use by one or more public agencies." (CEQA

Guideline § 15378(a)(3).) This proposal would not require the Commission to issue any additional permits such as a CPCN (Certificate for Public Convenience or Necessity) or PTC (Permit to Construct). This proposal is also categorically exempt from CEQA, per CEQA Guidelines Sections 15301 and 15304, because the proposal applies to minor alterations to existing facilities. NEPA does not apply because adoption of the proposed rule change does not constitute action by a federal agency within the meaning of 42 USC § 4332.

- **Criteria regarding (1) where the PR should apply with respect to new installations and reconstruction in the High Fire-Threat District; and (2) whether existing facilities in the High Fire-Threat District should be retrofitted or replaced to conform to the PRs. (These criteria should include methods for: (a) Estimating the costs and safety benefits of the PRs, and (b) weighing the costs and safety benefits.):**

This revised rule does not require analysis of application to new or reconstructed facilities, or, a determination of whether overhead line facilities in the HFTD should be retrofitted or replaced to conform with this PR.

- **A detailed summary of any ancillary issues with a direct nexus to the PR:**

The proposed language references a currently nonexistent rule, GO 95, Rule 21.2-D. GO 95, Rule 21.2-D is described in Southern California Edison's (SCE) PR-23, and proposes to supplement the existing "District" definitions with a definition for the HFTD, as specified in D.17-01-009. PR-23 was preliminarily voted on during a May 10, 2017 workshop and passed as consensus, receiving 22 of 23 "Yes" votes. SED anticipates that PR-23 will pass as consensus following final votes on June 23, 2017, one week following to the submittal of this document. In the off chance that PR-23 is not put forth as a consensus proposal or is not adopted by the Commission, revisions would be required to the proposed language.

- **Other matters to be considered:**

No other matters for consideration have been identified.

### **III.POSITION OF PARTIES**

- **Comments in Support**

#### **IBEW 1245**

IBEW 1245 supports SED PR 7. There was a time when the utilities were required to only trim trees to eliminate direct contact with high voltage conductors . The Commission imposed a minimum 18 inch clearance between vegetation and high voltage distribution lines in the 1990s. There is no way to estimate how many fires were avoided by this Commission action. In a similar vein there will be no way to estimate how many fires will be avoided by increasing the clearance distance between high voltage lines and vegetation in the SED proposal. The inclusion of Tier 1 for increased clearance will undoubtedly have public benefits with a decreased number of vegetation high voltage contacts. An aggressive timeline for compliance should concentrate

on Tier 2 and 3 with a more moderate compliance timeline for Tier 1. (There is a limited number of Qualified Line Clearance Tree Trimmers available to perform this work.)

- **Comments in Opposition**

### **Liberty CalPeco**

Liberty CalPeco opposes PR-7, AP-1. This PR could have significant cost and resource implications for Liberty CalPeco. Importantly, the clearances contained in the PR will not mitigate one of the main tree mortality/vegetation-related fire concerns in Liberty CalPeco's service territory: a 50-100 foot tree falling on a line. Thus, this PR is likely to be expensive without being effective at preventing fire risks in Liberty CalPeco's service territory. Additionally, the PR is likely to have implementation issues given the Tree Mortality Zone updates are required every two years.

### **PacifiCorp**

Since it is unclear how big Tiers 2 and 3 will be, it is unclear how these proposed revisions to Rule 37, Table 1, Case 14, Ref (hhh) would impact PacifiCorp's service territory. Under the version of Shape B delivered under Step 2(a) of the Work Plan, approximately 84% of PacifiCorp's service territory falls within tiers 2 and 3. This raises the potential that, including areas within the Tree Mortality Zone, in almost all of PacifiCorp's service territory, PacifiCorp will be subject to heightened vegetation clearance requirements. Even if the final version of Shape B in PacifiCorp's service territory is significantly smaller, PacifiCorp does not believe changing the required clearances are cost effective, operationally practical or necessary in connection with this proceeding. Moreover, given the extensive vegetation throughout PacifiCorp's service territory, this proposed rule would likely create a disproportionately high cost impact on PacifiCorp's relatively low number of customers.

### **PG&E**

PG&E believes that a statewide 4-foot clearance requirement in Tiers 2 and 3 would unnecessarily increase maintenance costs without a concomitant improvement in fire safety. Public Resources Code 4293 requires a 4-foot clearance in State Responsibility Areas (SRAs) during fire season. To expand this to a year-round requirement and extend it beyond SRAs to all Tiers 2 and 3 would add costs but SED has provided no information to suggest that such additional customer costs would improve fire safety. Increasing clearances would provide additional protection for trees that may grow-into the lines but no protection for hazard trees that fall-into the lines during high winds. It is these hazard trees, many of which stand 50 to 100 feet away from the lines, which represent the greatest risk and which would not be addressed by this rule. In addition, such an unwarranted increase in clearance requirements will outrage many private tree owners who will see their trees "butchered" for no apparent benefit.

### **TURN**

TURN supports the adoption of reasonable regulations to improve the safety of utility facilities. In reviewing any new or modified regulations, however, the Commission must weigh the



benefits and costs of proposed changes that would have more than a de minimis cost impact on customers. There are, and always will be, many opportunities to improve safety, but ratepayer funds are limited and must not be exhausted on regulatory compliance efforts that are not cost-effective. Under California law, all utility spending for any purpose, including safety, must be justified under Public Utilities Code Section 454(a) and must meet the just and reasonable standard of Section 451. The proponent of this proposed rule states, however, that, “A cost/benefit analysis for this PR was not performed. To effectively conduct a cost/benefit analysis for this PR, it would be required to know the difference, in area, between the land covered by the “Extreme” and “Very High” tiers of the FRAP map and the HFTD.”

The proposed rule would expand the radial clearance guidelines from the Extreme and Very High Fire Threat Zones in Southern California to the entire High Fire Threat District throughout the state. The proponent states that there will be cost implications as a result of this modification and acknowledge that, “A number of electric utilities and owners of overhead electric facilities in northern California indicated that increasing the requirement to include northern California and cover the entire HFTD may have significant cost implications.” Because the potential impact of this rule could be significant, it is even more imperative that the costs of this proposed rule be fully understood before the Commission makes any final determination on this PR. As it stands now, there is insufficient information with which to determine either the cost-effectiveness or the reasonableness of this proposed rule, and TURN, therefore, opposes this proposed rule.

**Final Vote:**

<b>PARTIES</b>	<b>NOT PRESENT</b>	<b>YES</b>	<b>NEUTRAL</b>	<b>NO</b>
AT&T			x	
BVES			x	
CALTEL	x			
CCTA			x	
CFBF	x			
Charter Comm.			x	
City of Laguna Beach			x	
CMUA				x
Comcast			x	
Consolidated Comm.			x	
Cox Comm.			x	
Crown Castle			x	
CTIA			x	
ExteNet	x			
IBEW 1245		x		
LA County Fire		x		
LADWP				x
Liberty CalPeco				x
Mussey Grade Road Alliance			x	
PacifiCorp				x
PG&E				x
SED		x		
SCE				x
SDG&E		x		
Small LECS			x	
SMUD				x
Sprint-Nextel	x			
T-Mobile			x	
TURN				x
Frontier			x	
Verizon Wireless	x			

**I. PROPOSED *REVISION TO* GENERAL ORDER 95, RULE 37, TABLE 1, CASE 14 AND REF. (HHH)**

**A. Current Rule**

Case No.	Nature of Clearance	Wire or Conductor Concerned						
		A Span Wires (Other than Trolley Span Wires) Overhead Guys and Messengers	B Communication Conductors (Including Open Wire, Cables and Service Drops), Supply Service Drops of 0 - 750 Volts	C Trolley Contact, Feeder and Span Wires, 0 - 5,000 Volts	D Supply Conductors of 0 - 750 Volts and Supply Cables Treated as in Rule 57.8	E Supply Conductors and Supply Cables, 750 - 22,500 Volts	F Supply Conductors and Supply Cables, 22.5 - 300 kV	G Supply Conductors and Supply Cables, 300 - 550 kV (mm)
14	Radial clearance of bare line conductors from vegetation in Extreme and Very High Fire Threat Zones in Southern California (aaa) (ddd) (hhh)(jjj)			18 inches (bbb)		48 inches (bbb) (iii)	48 inches (fff)	120 inches (ggg)

## References to Rules Modifying Minimum Clearances in Table 1

(hhh) Extreme and Very High Fire Threat Zones are defined by California Department of Forestry and Fire Protection's Fire and Resource Assessment Program (FRAP) Fire Threat Map. The FRAP Fire Threat Map is to be used to establish approximate boundaries for purposes of this rule. The boundaries of the map are to be broadly construed, and utilities should use their own expertise and judgment to determine if local conditions require them to adjust the boundaries of the map. Southern California is defined as the following: Imperial, Los Angeles, Orange, Riverside, Santa Barbara, San Bernardino, San Diego, and Ventura Counties.

### **B. Proposed Revisions Shown with Strikeout/Underline**

Case No.	Nature of Clearance	Wire or Conductor Concerned						
		A Span Wires (Other than Trolley Span Wires) Overhead Guys and Messengers	B Communication Conductors (Including Open Wire, Cables and Service Drops), Supply Service Drops of 0 - 750 Volts	C Trolley Contact, Feeder and Span Wires, 0 - 5,000 Volts	D Supply Conductors of 0 - 750 Volts and Supply Cables Treated as in Rule 57.8	E Supply Conductors and Supply Cables, 750 - 22,500 Volts	F Supply Conductors and Supply Cables, 22.5 - 300 kV	G Supply Conductors and Supply Cables, 300 - 550 kV (mm)
14	Radial clearance of bare line conductors from vegetation in <del>Extreme and Very High Fire Threat Zones in Southern</del>			18 inches (bbb)		48 inches (bbb) (iii)	48 inches (fff)	120 inches (ggg)

	<del>in</del> California <del>in</del> Tier 3 of the High Fire Threat District _(aaa) (ddd) (hhh)(jjj) )							
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### References to Rules Modifying Minimum Clearances in Table 1

~~(hhh) Extreme and Very High Fire Threat Zones are defined by California Department of Forestry and Fire Protection's Fire and Resource Assessment Program (FRAP) Fire Threat Map. The FRAP Fire Threat Map is to be used to establish approximate boundaries for purposes of this rule. The boundaries of the map are to be broadly construed, and utilities should use their own expertise and judgment to determine if local conditions require them to adjust the boundaries of the map. Southern California is defined as the following: Imperial, Los Angeles, Orange, Riverside, Santa Barbara, San Bernardino, San Diego, and Ventura Counties.~~

### C. Proposed Final Version

Case No.	Nature of Clearance	Wire or Conductor Concerned						
		A	B	C	D	E	F	G
		Span Wires (Other than Trolley Span Wires) Overhead Guys and Messengers	Communication Conductors (Including Open Wire, Cables and Service Drops), Supply Service Drops of 0 - 750 Volts	Trolley Contact, Feeder and Span Wires, 0 - 5,000 Volts	Supply Conductors of 0 - 750 Volts and Supply Cables Treated as in Rule 57.8	Supply Conductors and Supply Cables, 750 - 22,500 Volts	Supply Conductors and Supply Cables, 22.5 - 300 kV	Supply Conductors and Supply Cables, 300 - 550 kV (mm)

14	Radial clearanc e of bare line conduct ors from vegetati on in Tier 3 of the High Fire Threat District (aaa) (ddd) (jjj)			18 inches (bbb)		48 inches (bbb) (iii)	48 inches (fff)	120 inches (ggg)
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## II. JUSTIFICATION

- **Specific electric utilities, CIPs, and others affected:**

This revised rule would be applicable to jurisdictional electric utilities and other companies owning/operating overhead electric lines in California.

- **Geographic Areas where the rule will apply:**

The revised rule would apply to northern and southern California in areas designated as Tier 3 of the High Fire Threat District.

- **How the PR reduces or otherwise addresses fire hazards and/or risks in the High Fire-Threat District:**

This original version of this rule was adopted in Phase 2 or CPUC Rulemaking (R) 08-11-005. The proposed revision requires jurisdictional electric utilities and other companies owning/operating overhead electric lines to give special consideration to vegetation-to-line clearances in Tier 3 areas of the High Fire Threat District.

- **The estimated costs of the PR, including, if available, costs incurred by IOUs, POUs, CIPs, and customers:**

The total cost impacts of this rule for Tier 3 are unknown as the CPUC's Fire Threat Map has not been completed. However, in Tier 3, the additional costs of maintaining increased radial clearances of bare lines conductors from vegetation should be mitigated because the California Public Resources Code (Cal. Pub. Res. Code § 4293) already requires 48 inches of radial

clearance between bare line conductors and vegetation in State Responsibility Areas. Additional costs will be incurred in Local Responsibility Areas in Tier 3 areas.

o **Whether and how the costs will be recovered from customers:**

With respect to costs incurred, the investor-owned utilities (IOUs) may track and recover costs associated with implementing the new rule in the same manner as was approved by the Commission in Phase 3, Track 1 and 2 of Rulemaking (R.) 08-11-005.<sup>14</sup> Companies that are not rate-of-return regulated entities may recover costs in any legally permissible manner, including through line-item charges or increased fees for services.

o **Whether and how costs will be shared among electric utilities, CIPs, and others:**

Costs will be borne by the owner of the electric supply line.

- **If the PR applies to electric transmission, why the regulations does not conflict with other federal or state regulations:**

The revised rule does apply to electric transmission. Required vegetation-to-line clearances in GO 95 are more prescriptive than the clearances prescribed for transmission lines subject to NERC Standard FAC-003.

- **The timeframe for implementing the PR:**

The revised rule should become effective within 12 months after the Commission adopts a new Fire Threat Map.

- **Why it is in the public interest to adopt the PR:**

This revised rule requires jurisdictional entities to give special consideration to vegetation-to-line clearances in Tier 3 of the High Fire Threat District.

- **Whether the PR is exempt from the California Environmental Quality Act (CEQA) and/or the National Environmental Policy Act (NEPA) and, if so, why. Any assertion that CEQA and NEPA do not apply must cite the relevant statutes and/or regulations where the exemption is listed. Conversely, any assertion that CEQA and/or NEPA do apply must (1) cite the relevant statutes and/or regulations that show this, and (2) list the steps that need to occur under CEQA and/or NEPA before the PR can be adopted:**

This proposal is exempt from environmental review under Section 15378 of the California Environmental Quality Act (CEQA) Guidelines because it is not a “project” under CEQA and will not have any potentially significant impact on the environment. NEPA does not apply because adoption of the proposed rule change does not constitute action by a federal agency within the meaning of 42 USC § 4332.

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<sup>14</sup> D.14-02-015.

- **Criteria regarding (1) where the PR should apply with respect to new installations and reconstruction in the High Fire-Threat District; and (2) whether existing facilities in the High Fire-Threat District should be retrofitted or replaced to conform to the PRs. (*These criteria should include methods for: (a) Estimating the costs and safety benefits of the PRs, and (b) weighing the costs and safety benefits.*):**

This revised rule does not require analysis of application to new or reconstructed facilities, or, a determination of whether overhead line facilities in the High Fire Threat District should be retrofitted or replaced to conform with this PR.

- **A detailed summary of any ancillary issues with a direct nexus to the PR:**

If the proposed rule is adopted, the following ancillary changes (shown in underline) are necessary to the *References to Rules Modifying Minimum Clearances in Table 1* of GO 95, Rule 37.

- (ggg) Shall be increased by 0.40 inch per kV in excess of 500 kV
- (hhh) Intentionally left blank
- (iii) May be reduced to 18 inches for conductors operating less than 2.4 kV.

- **Other matters to be considered:**

No other matters for consideration have been identified.

### III. POSITION OF PARTIES

- **Comments in Support**

#### **PacifiCorp**

PacifiCorp supports the extension of the heightened vegetation clearance requirements currently applicable in Southern California to tier 3 statewide, including tier 3 of PacifiCorp's service territory. PacifiCorp believes extending these requirements to tier 3 on a statewide basis is targeted, appropriate and practical. Although this rule could result in additional costs to PacifiCorp's customers, PacifiCorp believes that the additional costs, depending on the size of tier 3, would be prudently incurred given that they are limited to and targeted in the areas of PacifiCorp's service territory most vulnerable to risk of utility caused fire

#### **PG&E**

In PG&E's service territory, it appears that the Tier 3 boundary may align with areas already covered by SRA boundaries and already subject to a statutory 4-foot clearance requirement during fire season. Extending this 4-foot clearance to a year-round requirement will not add much cost for utility ratepayers and will eliminate the yo-yo effect where the clearance requirement changes from 4 feet to 18 inches depending on the month.



- **Comments in Opposition**

### **Liberty CalPeco**

Given the uncertainty of the final Tier 3 map boundaries, it is impossible to determine how costly or feasible the implementation of the clearances contained in PR-7, AP-2 will be in Liberty CalPeco's service territory. Thus, Liberty CalPeco withholds its support of PR-7, AP-2, until the final Tier 3 map boundary has been reviewed.

### **SED**

Decision (D.)12-01-032 issued in Phase 2 of Rulemaking (R.)08-11-005 adopted a total of six (6) regulations, in General Orders (GOs) 95, 165, and 166, which referenced two (2) separate interim fire-threat maps: (1) California Department of Forestry and Fire Protection's (CALFIRE) Fire and Resource Assessment Program (FRAP) Fire Threat Map (i.e. FRAP Map) and (2) Reax Engineering's Fire Threat Map (Reax Map). The FRAP Map was intended to be used for Southern California and the Reax Map for Northern California. More specifically, all six (6) regulations referenced either the "Extreme" and "Very High" Fire Threat Zones of the FRAP Map (i.e. the two highest of four FRAP Map tiers, excluding non-fuel and not mapped areas) or Threat Classes 3 and 4 of the Reax Map (i.e. the two highest Reax Map tiers). Accordingly, all six (6) of the fire-safety regulations adopted in D.12-01-032 incorporated a Northern and Southern California delineation. Additionally, it should be noted that all references to the interim fire-threat maps (i.e. FRAP Map and Reax Map) in existing regulations are applied to the two (2) highest tier classifications (i.e. "Extreme" and "Very High" Fire Threat Zones or Threat Classes 3 and 4) of the referenced maps.

There are two (2) primary issues manifested in D.12-01-032, and further convoluted by requirements in D.17-01-009, that carry over into the six (6) existing fire-safety regulations which are all proposed as FSTP-sponsored PRs (i.e. PRs 4, 7, 16, 17, 20, and 21). The first issue is a continued Northern and Southern California delineation, originating as a result of the two (2) interim maps, which SED contends should no longer be applicable given the impending adoption of a statewide map. Secondly, as pointed out above, existing fire-safety regulations (i.e. regulations referencing one of two interim fire-threat maps) are scoped to apply in the two (2) highest tier classifications of each respective fire-threat map. SED asserts that these specific high value tier classification references (i.e. "Extreme" and "Very High" Fire Threat Zones or Threat Classes 3 and 4) in the existing regulations represent the embryonic framework and original conception of what is currently referenced as the High Fire Threat District (HFTD), in that they represent the highest areas of concern, as identified on a fire-threat map, for the purposes of scoping specific fire-safety regulations. In D.17-01-009, the Commission identified and defined the elements which comprise the HFTD for the purpose of scoping and potentially adopting new and/or enhanced fire safety regulations in R.15-05-006. As such, SED concludes that, in order to keep with the spirit and intent of the six (6) existing fire-safety regulations, when the map references are updated from the existing interim maps they should transfer from the interim "fire-threat districts" to the recently Commission-defined HFTD. Yet, Ordering Paragraph (OP) 10 of D.17-01-009 instructed parties that existing fire-safety regulations applied in Northern and

Southern California would transfer only to Tier 3 of the HFTD. SED contends that this is a fundamental flaw in the logic of D.17-01-009. However, instead of filing a petition to modify the Decision, SED intends to address this transference issue as well as the carryover Northern and Southern California delineation issue in its submitted alternates.

PR 7-AP2 addresses SED's concerns regarding the unnecessary Northern and Southern delineation, however does not address SED's concerns regarding the applicable scope of GO 95, Rule 37, Table 1, Case 14. For the reasons stated above, SED opposes PR 7-AP2 and urges the Commission to instead adopt the changes proposed in PR 7-AP1.

## **TURN**

TURN supports the adoption of reasonable regulations to improve the safety of utility facilities. In reviewing any new or modified regulations, however, the Commission must weigh the benefits and costs of proposed changes that would have more than a de minimis cost impact on customers. There are, and always will be, many opportunities to improve safety, but ratepayer funds are limited and must not be exhausted on regulatory compliance efforts that are not cost-effective. Under California law, all utility spending for any purpose, including safety, must be justified under Public Utilities Code Section 454(a) and must meet the just and reasonable standard of Section 451. The proponent of this rule, however, states "The total cost impacts of this rule for Tier 3 are unknown as the CPUC's Fire Threat Map has not been completed."

The proposed rule would expand the existing rule from Southern California to all Tier 3 areas throughout the state. While, unlike PR-7 AP1, this modification is restricted to Tier 3, it does significantly increase the reach of the existing radial clearance guidelines. Without the Fire Threat Map, PG&E has not provided any cost information to understand the impact of the requested change. PG&E states that additional costs should be mitigated "because the California Public Resources Code...already requires 48 inches of radial clearance between bare line conductors and vegetation in State Responsibility Areas. Additional costs will be incurred in Local Responsibility Areas in Tier 3 areas." PG&E, however, does not provide any estimates of how much these considerations will mitigate the total cost impact to ratepayers. As it stands now, there is insufficient information with which to determine either the cost-effectiveness or the reasonableness of this proposed rule, and TURN, therefore, opposes this proposed rule.

- **Final Vote:**

<b>PARTIES</b>	<b>NOT PRESENT</b>	<b>YES</b>	<b>NEUTRAL</b>	<b>NO</b>
AT&T			x	
BVES		x		
CALTEL	x			
CCTA			x	
CFBF	x			
Charter Comm.			x	
City of Laguna Beach			x	
CMUA		x		
Comcast			x	
Consolidated Comm.			x	
Cox Comm.			x	
Crown Castle			x	
CTIA			x	
ExteNet	x			
IBEW 1245		x		
LA County Fire				x
LADWP		x		
Liberty CalPeco			x	
Mussey Grade Road Alliance			x	
PacifiCorp		x		
PG&E		x		
SED				x
SCE			x	
SDG&E			x	
Small LECS			x	
SMUD		x		
Sprint-Nextel	x			
T-Mobile			x	
TURN				x
Frontier			x	
Verizon Wireless	x			

**I. PROPOSED *REVISION TO GENERAL ORDER 95* RULE 38****A. Current Rule****38 Minimum Clearances of Wires from Other Wires**

The minimum vertical, horizontal or radial clearances of wires from other wires shall not be less than the values given in Table 2 and are based on a temperature of 60° F. and no wind. Conductors may be deadended at the crossarm or have reduced clearances at points of transposition, and shall not be held in violation of Table 2, Cases 8–15, inclusive.

The clearances in Table 2 shall in no case be reduced more than 10 percent because of temperature and loading as specified in Rule 43 or because of a difference in size or design of the supporting pins, hardware or insulators. All clearances of less than 5 inches shall be applied between surfaces, and clearances of 5 inches or more shall be applied to the center lines of such items.

**B. Proposed Revisions Shown with Strikeout/Underline****38 Minimum Clearances of Wires from Other Wires**

The minimum vertical, horizontal or radial clearances of wires from other wires shall not be less than the values given in Table 2 and are based on a temperature of 60° F. and no wind. Conductors may be deadended at the crossarm or have reduced clearances at points of transposition, and shall not be held in violation of Table 2, Cases 8–15, inclusive.

The clearances in Table 2 shall in no case be reduced more than 10 percent, except mid-span in Tier 3 of the High Fire Threat District where they shall be reduced by no more than 5 percent, because of temperature and loading as specified in Rule 43 or because of a difference in size or design of the supporting pins, hardware or insulators. All clearances of less than 5 inches shall be applied between surfaces, and clearances of 5 inches or more shall be applied to the center lines of such items. The utilities of interest (including electric supply and/or communication companies) shall cooperate and provide relevant information for sag calculations for their facilities, upon request.

**C. Proposed Final Version****38 Minimum Clearances of Wires from Other Wires**

The minimum vertical, horizontal or radial clearances of wires from other wires shall not be less than the values given in Table 2 and are based on a temperature of 60° F. and no wind. Conductors may be deadended at the crossarm or have reduced clearances at points of transposition, and shall not be held in violation of Table 2, Cases 8–15, inclusive.

The clearances in Table 2 shall in no case be reduced more than 10 percent, except in Tier 3 of the High Fire Threat District where they shall be reduced by no more than 5

percent, because of temperature and loading as specified in Rule 43 or because of a difference in size or design of the supporting pins, hardware or insulators. All clearances of less than 5 inches shall be applied between surfaces, and clearances of 5 inches or more shall be applied to the center lines of such items. The utilities of interest (including electric supply and/or communication companies) shall cooperate and provide relevant information for sag calculations for their facilities, upon request.

## **II. JUSTIFICATION**

- **Specific electric utilities, CIPs, and others affected:**

This revised rule would be applicable to jurisdictional electric utilities, communication companies, and other companies owning/operating overhead electric and communication lines in California.

- **Geographic Areas where the rule will apply:**

This revised rule would establish more stringent wire to wire clearance requirements for Tier 3 of the High Fire Threat District and provide clarification of existing clearance requirements.

- **How the PR reduces or otherwise addresses fire hazards and/or risks in the High Fire-Threat District:**

When minimum clearances between conductors are not maintained, contact between conductors in the same circuit and/or in different circuits can occur. Such contact can result in arcing which in turn can present a fire ignition risk; the consequences of which are potentially significantly more serious within Tier 3 of the High Fire Threat District. Consistent with the goal of reliably maintaining clearances among conductors and mitigating fire ignition risks, this revised rule would make the requirements more stringent for Tier 3 of the High Fire Threat District. In addition, by emphasizing requirements for High Fire Threat District Tier 3, the revised rule would highlight the importance of considering these issues in order to mitigate the potential for conductor contact.

- **The estimated costs of the PR, including, if available, costs incurred by IOUs, POUs, CIPs, and customers:**

SDG&E understands that as the proponent of this rule it is expected to provide justification including cost benefit where possible. However, as it is not yet known where these rules will apply (Fire Map 2 is not yet finalized into Shape B, and will not be final for approximately 4 to 6 more months, per the Picker PD dated May 25, 2017) it has not been able to provide cost estimates, or cost-benefit comparisons. Also, a cost/benefit analysis for this PR was not performed because it is anticipated that any cost impacts on CIPs and electric utilities will be negligible. By clarifying and enhancing GO 95 requirements the revised rule would aid in ensuring consistency in compliance, which in turn will reduce the risk that facilities will create a fire hazard.

o **Whether and how the costs will be recovered from customers:**

Investor-owned utilities (IOUs) may track and recover incurred costs associated with implementing the revised rule in the same manner as was approved by the Commission in Phase 3, Track 1 and 2 of Rulemaking (R.) 08-11-005 (D.14-02-015). Companies that are not rate-of-return regulated entities may recover costs in any legally permissible manner, including through line-item charges or increased fees for services.

o **Whether and how costs will be shared among electric utilities, CIPs, and others:**

It is anticipated that any cost impacts on CIPs and electric utilities will be negligible and that any costs incurred to comply with the rule will be borne by the party responsible for performing the stated calculations and for any facility modifications required to comply with the criteria set forth in the revised rule.

• **If the PR applies to electric transmission, why the regulations do not conflict with other federal or state regulations:**

The revised rule does apply to electric transmission. No conflicts with other federal or state regulations have been identified in this proceeding.

• **The timeframe for implementing the PR:**

The revised rule should become effective 12 months after the Commission adopts a new Fire-Threat Map.

• **Why it is in the public interest to adopt the PR:**

This revised rule would reduce fire ignition risks resulting from wire to wire contacts on new and reconstructed facilities by establishing more stringent wire to wire clearance requirements for Tier 3 of the High Fire Threat District and providing clarification of existing clearance requirements.

• **Whether the PR is exempt from the California Environmental Quality Act (CEQA) and/or the National Environmental Policy Act (NEPA) and, if so, why. Any assertion that CEQA and NEPA do not apply must cite the relevant statutes and/or regulations where the exemption is listed. Conversely, any assertion that CEQA and/or NEPA do apply must (1) cite the relevant statutes and/or regulations that show this, and (2) list the steps that need to occur under CEQA and/or NEPA before the PR can be adopted:**

This proposal is exempt from environmental review under Section 15378 of the California Environmental Quality Act (CEQA) Guidelines because it is not a “project” under CEQA and will not have any potentially significant impact on the environment. NEPA does not apply because adoption of the proposed rule change does not constitute action by a federal agency within the meaning of 42 USC § 4332.

- **Criteria regarding (1) where the PR should apply with respect to new installations and reconstruction in the High Fire-Threat District; and (2) whether existing facilities in the High Fire-Threat District should be retrofitted or replaced to conform to the PRs.**

(These criteria should include methods for: (a) Estimating the costs and safety benefits of the PRs, and (b) weighing the costs and safety benefits.): This revised rule is proposed only for application to new or reconstructed facilities.

- **A detailed summary of any ancillary issues with a direct nexus to the PR:**

No ancillary issues with a direct nexus to the PR have been identified.

- **Other matters to be considered:**

No other matters to be considered have been identified.

### **III.POSITION OF PARTIES**

- **Comments in Support**

#### **IBEW 1245**

IBEW 1245 supports this proposed rule. Allowances for decreased conductor clearances in Tier 3 of the HFTD makes sense. Increased cooperation between the CIPS and utilities will be required since the sag characteristics for communication lines are not well known by utilities.

- **Comments in Opposition**

#### **BVES**

As one of the few parties to oppose PR 8, Bear Valley Electric Service wishes to provide the following comment in opposition to that PR (PR 8, proposed by SDG&E relating to Rule 38):

While BVES agrees with the sentiment and reasoning of PR 8, BVES believes implementation, education, and future application of this rule, as revised, will be very difficult to apply effectively and consistently. BVES believes the existing GO 95 guidelines are sufficient to define minimum clearance distances and provide uniform application and direction.

#### **Liberty CalPeco**

Given the uncertainty of the final Tier 3 map boundaries, it is impossible to determine how costly or feasible the implementation of PR-8 will be in Liberty CalPeco's service territory. Thus, Liberty CalPeco withholds its support of PR-8, until the final Tier 3 map boundary has been reviewed.

- **Final Vote:**

<b>PARTIES</b>	<b>NOT PRESENT</b>	<b>YES</b>	<b>NEUTRAL</b>	<b>NO</b>
AT&T			X	
BVES				X
CALTEL	X			
CCTA		X		
CFBF	X			
Charter Comm.		X		
City of Laguna Beach			X	
CMUA		X		
Comcast		X		
Consolidated Comm.			X	
Cox Comm.		X		
Crown Castle		X		
CTIA			X	
ExteNet	X			
IBEW 1245		X		
LA County Fire			X	
LADWP		X		
Liberty CalPeco			X	
Mussey Grade Road Alliance			X	
PacifiCorp		X		
PG&E		X		
SED			X	
SCE				X
SDG&E		X		
Small LECS			X	
SMUD				X
Sprint-Nextel	X			
T-Mobile			X	
TURN			X	
Frontier				X
Verizon Wireless	X			



**I. PROPOSED *REVISION TO GENERAL ORDER 95* RULE 40****A. Current Rule****40 General**

The following rules cover mechanical strength requirements for each class of line (see Rule 20.6), either alone or involved in crossings, conflicts or joint use of poles. The rules of this section are supplemented in many instances by provisions in other sections.

**B. Proposed Revisions Shown with Strikeout/Underline****40 General**

The following rules cover mechanical strength requirements for each class of line (see Rule 20.6), either alone or involved in crossings, conflicts or joint use of poles. The rules of this section are supplemented in many instances by provisions in other sections. If an owner of a line has established condition-based mechanical strength requirements for areas within the High Fire Threat District that are more stringent than those set forth in the following rules, then all parties seeking to attach to such lines shall comply with the more stringent requirements.

**C. Proposed Final Version****40 General**

The following rules cover mechanical strength requirements for each class of line (see Rule 20.6), either alone or involved in crossings, conflicts or joint use of poles. The rules of this section are supplemented in many instances by provisions in other sections. If an owner of a line has established condition-based mechanical strength requirements for areas within the High Fire Threat District that are more stringent than those set forth in the following rules, then all parties seeking to attach to such lines shall comply with the more stringent requirements.

**II. JUSTIFICATION**

- **Specific electric utilities, CIPs, and others affected:**

This revised rule would be applicable to jurisdictional electric utilities, communication companies, and other companies owning/operating overhead electric and communication lines in California.

- **Geographic Areas where the rule will apply:**

High Fire Threat District Tiers 2 and 3.

- **How the PR reduces or otherwise addresses fire hazards and/or risks in the High Fire-Threat District:**

Application of more stringent mechanical strength requirements than those specified in GO 95 in specific areas within High Fire Threat District Tiers 2 and 3 may be deemed appropriate by the owner of a line based on analyses of the conditions in the area. Consistent application of such requirements is critical to maintaining structural reliability. Use of less stringent criteria in those areas could precipitate premature failures of facilities which in turn could result in fire ignitions. Consistent with the goal of providing electric utilities and CIPs clear guidance for maintaining structural reliability, this revised rule would clarify the application of mechanical strength requirements that may be established by the owner of a line in order to mitigate fire ignition risks within Tiers 2 and 3 of the High Fire Threat District.

- **The estimated costs of the PR, including, if available, costs incurred by IOUs, POUs, CIPs, and customers:**

SDG&E understands that as the proponent of this rule it is expected to provide justification including cost benefit where possible. However, as it is not yet known where these rules will apply (Fire Map 2 is not yet finalized into Shape B, and will not be final for approximately 4 to 6 more months, per the Picker PD dated May 25, 2017) it has not been able to provide cost estimates, or cost-benefit comparisons. Also, a cost/benefit analysis for this PR was not performed because its scope is limited to providing clarification regarding the application of more stringent mechanical strength requirements that may be established by the owner of a line to mitigate fire ignition risks in High Fire Threat District Tiers 2 and 3. While the potential application of more stringent requirements in such areas may have a cost impact on the design and maintenance of certain facilities, this rule in and of itself will have negligible cost impacts on CIPs and electric utilities.

- o **Whether and how the costs will be recovered from customers:**

Investor-owned utilities (IOUs) may track and recover incurred costs associated with implementing the revised rule in the same manner as was approved by the Commission in Phase 3, Track 1 and 2 of Rulemaking (R.) 08-11-005 (D.14-02-015). Companies that are not rate-of-return regulated entities may recover costs in any legally permissible manner, including through line-item charges or increased fees for services.

- o **Whether and how costs will be shared among electric utilities, CIPs, and others:**

It anticipated that any costs resulting from implementation of this revised rule would be recovered through existing cost recovery mechanisms.

- **If the PR applies to electric transmission, why the regulations does not conflict with other federal or state regulations:**

The revised rule does apply to electric transmission. No conflicts with other federal or state regulations have been identified in this proceeding.

- **The timeframe for implementing the PR:**

The revised rule should become effective 12 months after the Commission adopts a new Fire-Threat Map.

- **Why it is in the public interest to adopt the PR:**

By clarifying the applicability of more stringent mechanical strength requirements that may be established for use in High Fire Threat District Tiers 2 and 3, this rule would aid in ensuring consistency in compliance, which in turn would reduce the risk that the affected new and reconstructed facilities would create a fire hazard.

- **Whether the PR is exempt from the California Environmental Quality Act (CEQA) and/or the National Environmental Policy Act (NEPA) and, if so, why. Any assertion that CEQA and NEPA do not apply must cite the relevant statutes and/or regulations where the exemption is listed. Conversely, any assertion that CEQA and/or NEPA do apply must (1) cite the relevant statutes and/or regulations that show this, and (2) list the steps that need to occur under CEQA and/or NEPA before the PR can be adopted:**

This proposal is exempt from environmental review under Section 15378 of the California Environmental Quality Act (CEQA) Guidelines because it is not a “project” under CEQA and will not have any potentially significant impact on the environment. NEPA does not apply because adoption of the proposed rule change does not constitute action by a federal agency within the meaning of 42 USC § 4332.

Criteria regarding (1) where the PR should apply with respect to new installations and reconstruction in the High Fire-Threat District; and (2) whether existing facilities in the High Fire-Threat District should be retrofitted or replaced to conform to the PRs. *(These criteria should include methods for: (a) Estimating the costs and safety benefits of the PRs, and (b) weighing the costs and safety benefits.):*

This revised rule is proposed only for application to new or reconstructed facilities.

- **A detailed summary of any ancillary issues with a direct nexus to the PR:**

No ancillary issues with a direct nexus to the PR have been identified.

- **Other matters to be considered:**

No other matters to be considered have been identified.

### III. POSITION OF PARTIES

- **Comments in Support**

#### **IBEW 1245**

IBEW 1245 supports this rule. The fact that utilities are responsible for the structural integrity of the pole top to bottom argues for their assertion that more stringent mechanical strength should be imposed on other parties attaching to a joint pole in the HFTD Tiers 2 and 3. If a joint pole fails, the electric utility is generally held responsible. The electric utility should be able to dictate more rigorous mechanical strength requirements to mitigate possible structural failures in Tiers 2 and 3 of the HFTD.

- **Comments in Opposition**

#### **The CIP Coalition**

The intent of this rule is not clear from SDG&E's justification. SDG&E references the need of pole owners to adopt more stringent mechanical strength requirements than those specified in GO 95 in specific areas within High Fire Threat District Tiers 2 and 3 based on analyses of the conditions in the area. SDG&E then goes on to say that the proposed rule's "scope is limited to providing clarification regarding the application of more stringent mechanical strength requirements that may be established by the owner of a line to mitigate fire ignition risks in High Fire Threat District Tiers 2 and 3."

However, that is not what PR 9 says. Although PR 9 is limited geographically to the High Fire Threat District, nothing in the proposed rule limits the reasons why a pole owner can create new requirements – either to promote fire safety or based on local conditions. Instead, the rule appears to give a pole owner *carte blanche* to adopt any mechanical rules it likes, for any reason, and in what likely will be a large portion of the state.<sup>15</sup> The pole owner could do so without the need to consider the impact of that requirement on pole attachers' costs, on their provision of safe and reliable service, or on their ability to construct their networks. Worse yet, under PR 9 the pole owner-developed requirements would be afforded the status of a Commission rule – subject to enforcement by the Commission.

The purpose of the instant rulemaking is to identify additional regulations needed in the High Fire Threat District.<sup>16</sup> Parties including SDG&E had the opportunity to propose specific

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<sup>15</sup> Although the exact parameters of the High Fire Threat District have not been established, it appears that the combined Tier 2 and 3 will encompass a sizeable portion of the state.

<sup>16</sup> As summarized in OIR 15-05-006 (at p. 2), the scope this proceeding is to: "[D]evelop and adopt maps that depict areas of the State where there is an elevated risk of power-line fires igniting and spreading rapidly. The California Department of Forestry and Fire Protection will have a primary role in the development of these fire-threat maps. The adopted fire-threat maps will be used to: (1) accurately designate the high fire-threat areas where many of the fire-safety regulations adopted in Rulemaking (R.) 08-11-005 apply, and (2) assess the need for additional fire-safety regulations. New fire-safety regulations will be adopted, as appropriate."

additional regulations needed to enhance fire safety and reduce fire risk, including regulations relating to mechanical strength – and they did in fact propose such rules.<sup>17</sup> And the rulemaking establishes a comprehensive process providing parties with notice of those proposed rules, an opportunity to address those rules through various procedural vehicles including workshops, alternate rule proposals, comments in support of or opposition to PRs (included in the workshop report), comments on the workshop report, and ultimately comments on the proposed decision. Perhaps most significantly, no proposed rule will be adopted unless and until the Commission decides that a particular rule change ultimately serves the public interest. In making that determination the Commission will weigh a variety of factors, including how a proposed rule change would enhance fire safety and reduce fire risk, the estimated cost of the PR, including costs incurred by CIPs and their customers, a weighting of the estimated costs and safety benefits, and the public interest.<sup>18</sup>

The CIPs recognize and appreciate that GO 95 establishes minimum requirements and pole owners are permitted to adopt more stringent requirements, to the extent they are required based on local conditions.<sup>19</sup> Indeed, pole owners have, in fact, adopted more stringent requirements based on local conditions,<sup>20</sup> which they enforce through the pole application process. SDG&E has not demonstrated that the existing process does not adequately allow pole owners to address local conditions and certainly have not justified the need for such a sweeping and unlimited rule. The Commission should allow utilities to adopt any type of requirement they wish – and put the enforcement power of the Commission behind those requirements.

*Costs:* While SDG&E claims that “this rule in and of itself will have negligible cost impacts,” it is impossible to know its true impact because the rule places no limits on the mechanical strength rules that may be adopted by the pole owner - other than that they are geographically limited to the High Fire Threat Districts 2 and 3. With such *carte blanche*, the additional costs could be unlimited.

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<sup>17</sup> See, e.g., Rule 31.1, PRs 10 and 13.

<sup>18</sup> D.17-01-009 at 56-58.

<sup>19</sup> GO 95 Rule 31.1 provides in part that: “A supply or communications company is in compliance with this rule if it designs, constructs, and maintains a facility in accordance with the particulars specified in General Order 95, except that if an intended use or known local conditions require a higher standard than the particulars specified in General Order 95 to enable the furnishing of safe, proper, and adequate service, the company shall follow the higher standard.”

<sup>20</sup> For example, SDG&E has adjusted its pole loading standards to align with the Extreme Wind loading standards of the National Electrical Safety Code, which exceed the requirements of GO 95. A.15-09-013, Testimony of SDG&E’s Darren Weim at 13.

- **Final Vote:**

<b>PARTIES</b>	<b>NOT PRESENT</b>	<b>YES</b>	<b>NEUTRAL</b>	<b>NO</b>
AT&T				X
BVES			X	
CALTEL	X			
CCTA				X
CFBF	X			
Charter Comm.				X
City of Laguna Beach			X	
CMUA		X		
Comcast				X
Consolidated Comm.				X
Cox Comm.				X
Crown Castle				X
CTIA				X
ExteNet	X			
IBEW 1245		X		
LA County Fire			X	
LADWP		X		
Liberty CalPeco			X	
Mussey Grade Road Alliance			X	
PacifiCorp		X		
PG&E		X		
SED			X	
SCE				X
SDG&E		X		
Small LECS				X
SMUD		X		
Sprint-Nextel	X			
T-Mobile				X
TURN			X	
Frontier				X
Verizon Wireless	X			

**I. PROPOSED *REVISION TO GENERAL ORDER 95 RULE 43.2.A*****A. Current Rule****43.2 Light Loading**

Light loading shall apply in all parts of the State of California where the elevation above sea level is 3000 feet or less (see Appendix A for map). This loading shall be taken as the resultant of wind pressure and deadweight under the following conditions:

**A. Wind**

A horizontal wind pressure of 8 pounds per square foot of projected area on cylindrical surfaces, and 13 pounds per square foot on flat surfaces shall be assumed. Where latticed structures are used, the actual exposed area of one lateral face shall be increased by 50% to allow for pressure on the opposite face, provided this computation does not indicate a greater pressure than would occur on a solid structure of the same outside dimensions, under which conditions the latter shall be taken.

**B. Proposed Revisions Shown with Strikeout/Underline****43.2 Light Loading**

Light loading shall apply in all parts of the State of California where the elevation above sea level is 3000 feet or less (see Appendix A for map). This loading shall be taken as the resultant of wind pressure and deadweight under the following conditions:

**A. Wind**

**(1). Wind Load:** A horizontal wind pressure of 8 pounds per square foot of projected area on cylindrical surfaces, and 13 pounds per square foot on flat surfaces shall be assumed. Where latticed structures are used, the actual exposed area of one lateral face shall be increased by 50% to allow for pressure on the opposite face, provided this computation does not indicate a greater pressure than would occur on a solid structure of the same outside dimensions, under which conditions the latter shall be taken.

**(2). Wind Load Factor:** For lines located within Tiers 2 and/or 3 of the High Fire Threat District the wind loads of Rule 43.2.A.1 shall be multiplied by a wind load factor of 1.1.

**C. Proposed Final Version****43.2 Light Loading**

Light loading shall apply in all parts of the State of California where the elevation above sea level is 3000 feet or less (see Appendix A for map). This loading shall be taken as the resultant of wind pressure and deadweight under the following conditions:

**A. Wind**

(1). **Wind Load:** A horizontal wind pressure of 8 pounds per square foot of projected area on cylindrical surfaces, and 13 pounds per square foot on flat surfaces shall be assumed. Where latticed structures are used, the actual exposed area of one lateral face shall be increased by 50% to allow for pressure on the opposite face, provided this computation does not indicate a greater pressure than would occur on a solid structure of the same outside dimensions, under which conditions the latter shall be taken.

(2). **Wind Load Factor:** For lines located within Tiers 2 and/or 3 of the High Fire Threat District the wind loads of Rule 43.2.A.1 shall be multiplied by a wind load factor of 1.1.

**II. JUSTIFICATION**

- **Specific electric utilities, CIPs, and others affected:**

This revised rule would be applicable to jurisdictional electric utilities, communication companies, and other companies owning/operating overhead electric and communication lines in California.

- **Geographic Areas where the rule will apply:**

High Fire Threat District Tiers 2 and 3.

- **How the PR reduces or otherwise addresses fire hazards and/or risks in the High Fire-Threat District:**

Application of even a small load factor to the Light Loading District's minimum wind loads for facility designs in areas coinciding with High Fire Threat District Tiers 2 and 3 will result in a significant increase in the structural reliability of the lines located in those areas. For example, the results of simplistic reliability calculations show that the risk of failure at design loads would be nearly 60% higher at installation and approximately 80% higher at replacement for fully utilized facilities designed and maintained with current Rule 43.2 loading criteria than for facilities designed and maintained if this PR would be implemented. This revised rule would add an extra measure of system hardening and safety to lines in fire prone areas that would improve their ability to resist, without failure, various types of unusually high loads such as those imposed by extreme winds events. Reducing the potential for structural failures will reduce fire ignition risks.



- **The estimated costs of the PR, including, if available, costs incurred by IOUs, POUs, CIPs, and customers:**

A cost/benefit analysis was not performed. As it is not yet known where these rules will apply (Fire Map 2 is not yet finalized into Shape B and will not be final for approximately 4 to 6 more months, per the Picker PD dated May 25, 2017) SDG&E is not able at this time to provide detailed cost estimates, or cost-benefit comparisons. However, SDG&E believes the risk reductions warrant the adoption of this revised rule. Further, in SDG&E's service territory, the costs of implementing this revised rule are anticipated to be low to moderate. This is because SDG&E has already implemented measures to reduce risks in certain areas, such as use of more stringent wind loads than those included in GO 95, which supersede the requirements of this revised rule. Additionally, the load factor would require installation of the next larger pole class only where the safety factor already nears the minimum allowable number as stated in Section 4. Therefore, it is expected that any potential increased costs would affect only a subset of pole replacements.

Further, this revised rule does not apply to all poles in the High Fire Threat District as it only pertains to poles with elevations less than 3000 ft., limiting the potential cost impact of this proposed rule.

- o **Whether and how the costs will be recovered from customers:**

Investor-owned utilities (IOUs) may track and recover incurred costs associated with implementing the revised rule in the same manner as was approved by the Commission in Phase 3, Track 1 and 2 of Rulemaking (R.) 08-11-005 (D.14-02-015). Companies that are not rate-of-return regulated entities may recover costs in any legally permissible manner, including through line-item charges or increased fees for services.

- o **Whether and how costs will be shared among electric utilities, CIPs, and others:**

It is not anticipated that costs will be shared among companies. Any costs resulting from implementation of this revised rule would be recovered through existing cost recovery mechanisms.

- **If the PR applies to electric transmission, why the regulations does not conflict with other federal or state regulations:**

The revised rule does apply to electric transmission. No conflicts with other federal or state regulations have been identified in this proceeding.

- **The timeframe for implementing the PR:**

The revised rule should become effective 12 months after the Commission adopts a new Fire-Threat Map.

- **Why it is in the public interest to adopt the PR:**

This revised rule would reduce the risk of structural failures of new and reconstructed lines in High Fire Threat District Tiers 2 and 3 due to various types of unusually high loads, such as those imposed by extreme winds events, and the associated ignition risks.

- **Whether the PR is exempt from the California Environmental Quality Act (CEQA) and/or the National Environmental Policy Act (NEPA) and, if so, why. Any assertion that CEQA and NEPA do not apply must cite the relevant statutes and/or regulations where the exemption is listed. Conversely, any assertion that CEQA and/or NEPA do apply must (1) cite the relevant statutes and/or regulations that show this, and (2) list the steps that need to occur under CEQA and/or NEPA before the PR can be adopted:**

This proposal is exempt from environmental review under Section 15378 of the California Environmental Quality Act (CEQA) Guidelines because it is not a “project” under CEQA and will not have any potentially significant impact on the environment. NEPA does not apply because adoption of the proposed rule change does not constitute action by a federal agency within the meaning of 42 USC § 4332.

- **Criteria regarding (1) where the PR should apply with respect to new installations and reconstruction in the High Fire-Threat District; and (2) whether existing facilities in the High Fire-Threat District should be retrofitted or replaced to conform to the PRs. *(These criteria should include methods for: (a) Estimating the costs and safety benefits of the PRs, and (b) weighing the costs and safety benefits.):***

This revised rule is proposed only for prospective application to new lines and lines to which facilities are added. Further, it is the intent of the proponent that Rule 12.3 would not be cause for applying this PR to existing lines except in the case that facilities are added to them.

- **A detailed summary of any ancillary issues with a direct nexus to the PR:**

This rule revision is contingent on the adoption of SDG&E’s proposed revision to Rule 48.

- **Other matters to be considered:**

No other matters to be considered have been identified.

### **III.POSITION OF PARTIES**

- **Comments in Support**

#### **IBEW 1245**

IBEW 1245 supports PR 10 by SDG&E. A 10% increase in the GO 95 wind load requirement in HFTD Tiers 2 and 3 seems to be a prudent approach to help prevent fires associated with electric utilities and communication companies in the designated tiers of the HFTD.

- **Comments in Opposition**

### **The CIP Coalition**

SDG&E's proposed rule applies an arbitrary wind loading factor of 1.1 to the entire Tier 2 and Tier 3 High Fire Threat District (HFTD). No explanation is provided as to why two distinct high fire threat areas that pose two significantly different levels of fire risk should have the same mitigation. Tier 3 represents "extreme" fire threat area and potentially limited in its geography; Tier 2 represents an "elevated" fire risk but potentially covering a large swath of land in Northern and Central California. Contrary to the current definition, the SDG&E proposed mitigation treats these two Tiers as having essentially the same level of fire risk by applying the same wind-load factor for mitigation of wild fire risk arising from the location of power line failures.

The arbitrary 1.1 wind loading factor as a mitigation to fire risk may be insufficient in some areas. For example, a 1.1 factor (or higher) might make sense for areas in Southern California's Santa Ana wind areas (although that is unknown at this point because of lack of a wind study). Conversely, a 1.1 factor may be excessive in other areas. For example, historical wind conditions and fire risk levels in Northern and Central California's Tier 2 areas may not require higher wind loading factors than what is currently required by GO 95. For these reasons, the mitigation efficacy of PR-10 cannot be assessed with any significant degree of confidence.

Finally, because the size of Tier 3 and Tier 2 to which PR-10 is intended to apply is not yet known, there is currently no reliable information available to help assess the economic cost impact of PR-10, and consequently whether the safety benefits – if any - of such a blanket rule justifies the potentially large economic costs to consumers of electric and communications services. Furthermore, since communications carriers are expanding their networks to meet increasing demand for bandwidth (particularly those involved in the deployment of advanced communications network), these carriers are likely to bear the additional economic costs of replacing poles that do not meet the more stringent blanket wind loading requirements across the state. For all these reasons, the Commission should reject PR-10.

### **MGRA**

MGRA opposes SDG&E PR-10. We agree with SDG&E that application of increased design loading will reduce probability of failure under unusually high load such as extreme wind events, and that reducing such failures reduces fire risk. However, the SDG&E approach has a number of shortcomings that MGRA believes are better addressed by its own alternative PR-11.

The first is that there is no estimation or assertion in the SDG&E rule that a 10% increase in design loading will be adequate to reduce probability of failure to acceptable levels under the extreme wind conditions experienced in some service areas. This would increase design wind speed from 56 mph to 59 mph, since wind load increases as the square of wind speed. SDG&E does nothing to relate the design requirements to its own measured wind speeds to demonstrate that this would be adequate for its own service area, much less the service area of other IOUs and CIPs. In fact in its own testimony in the WEMA proceeding A.15-09-010, SDG&E claims to have measured wind gusts on the order of 70-100 mph in some locations of its service area.

Secondly, neither of the tier definitions for the final High Fire Threat District map are expected to show a strong correlation with wind speed. While it is still being finalized, the Tier 3 definition is likely to be strongly representative of fire risk and risk to communities, and not specifically correlate to wind conditions. We might expect that many areas with appreciable fire risk and with communities, but without “fire winds”, will be included in Tiers 2 and 3 of the High Fire Threat District. While wind speed was one component of the original Fire Map 1, Fire Map 1 was only used to coarsely tier hazards, and its more extreme values that tended to occur in higher wind areas were subsumed into a broader elevated tier. The existing wind dependency was diluted further in the production of Map 2 by the addition of communities at risk and addition of pre-existing FRAP products. As a result, there will be broad areas of elevated fire threat which aren't associated with extreme fire winds and their wind loads. Yet, SDG&E's proposed PR-10 would apply to them as well.

Finally, since the SDG&E rule would be applied to broad swaths of the state that may not potentially be affected by extreme fire winds, it will be very expensive. SDG&E does not provide any cost estimates, but comparison with the cost of its FiRM fire-hardening program in San Diego, which has already spent hundreds of millions of dollars to treat a fraction of the SDG&E fire hazard zone, indicates that the costs could easily be in the billions of dollars. SDG&E itself, having already initiated a hardening program that includes higher wind load standards, states that it anticipates minimal costs to itself from PR-10. MGRA has supported this hardening in the SDG&E GRC process (with the caveat that SDG&E's prioritization is not transparent and lacks any cost/benefit analysis), and believe it is appropriate in much of the SDG&E service territory. But the SDG&E service territory is not typical of the State of California. SDG&E applies a one-size-fits all approach that could saddle California ratepayers with very high costs that aren't matched with a commensurate increase in safety.

MGRA PR-11 addresses these concerns. It would allow for even more stringent design loads, but focus them on the geographic areas requiring them, and not require increases in areas that do not experience significant fire winds. We therefore urge the Commission and other parties to support PR-11 and to reject SDG&E's PR-10.

### **PacifiCorp**

Since it is unclear how big tiers 2 and 3 will be, it is unclear how these proposed revisions to Rule 18 would impact PacifiCorp's service territory. Under the version of Shape B delivered under Step 2(a) of the Work Plan, approximately 84% of PacifiCorp's service territory falls within tiers 2 and 3. This raises the potential that, in almost all of PacifiCorp's service territory, PacifiCorp will be subject to this rule. If the rule is implemented, and existing structures are not grandfathered, significant costs would be incurred to perform new strength calculations for the entire inventory of existing poles located at an elevation of 3000 feet or less and then costs would be incurred to replace any poles that do not meet the new loading requirements.

The need for arbitrarily reducing the capacity by 10% is not supported by evidence of pole failures attributable to wind loading.

## **SED**

Section IV of General Order (GO) 95 provides the strength requirements for all classes of lines. These strength requirements are, in reality, comprised of several requirements: (1) for the strength of materials, (2) defining applicable load cases, and (3) safety factors for various line elements and construction configurations. As such, many of the rules identified in Section IV of GO 95 are inter-related. This is because compliance with many GO 95, Section IV requirements can only be determined following the completion of loading calculations, which rely upon the relationships and impacts the above-identified three (3) types of requirements have upon each other for a given design. For example, changing the applicable “Light Loading District” load case from 8 psf to 8.8 psf ( $8 \text{ psf} * 1.1 = 8.8 \text{ psf}$ ), as proposed in PR 10, would necessitate conducting an updated pole loading calculation to determine if a pole impacted by that change was still in compliance with GO 95, Section IV strength and safety factor requirements. This inter-dependency is further solidified as GO 95, Rule 48, the subject of PR 13, itself contains references to both Rules 43 and 44. Additionally, this issue is further complicated by the requirements in GO 95, Rules 12.2 and 12.3, which uniquely identify safety factor requirements as always applicable retroactively. Because the safety factor is a value only determined following the conclusion of a loading calculation that relies on applying strength and loading requirements specified in other Section IV rules, SED contends that any changes which would alter/impact how the safety factor is determined (e.g. changes in loading or strength requirements) shall also be applied retroactively, consistent with the requirements of GO 95, Rules 12.2 and 12.3. Accordingly, SED asserts that changes to any one of the above-identified requirements cannot and should not be assessed without a full understanding of the ancillary ramifications, so that public safety is not compromised.

PR 10 addresses changes to General Order (GO) 95, Rule 43.2A. By SDG&E’s own admission, in the justification for PR 10, both PR 10 and PR 13 are inter-related. Accordingly, the PR 10 justification indicates that SDG&E’s support for PR 10 is contingent upon the Commission’s adoption of the changes to GO 95, Rule 48 proposed in SDG&E’s PR 13. As can be gleaned from SDG&E’s insistence that changes proposed in PR 10 are contingent upon the changes proposed in PR 13 being adopted by the Commission, strength, loading, and safety factor requirements all have inter-dependency, as described above. Consequently, any changes made to existing load cases, strength requirements, or safety factor requirements would inevitably have ramifications on the manner in which poles are designed and their compliance with the requirements of GO 95, Section IV rules.

PR 10 proposes augmenting the current Light Loading load case with a blanket 10 percent increase for all poles located in Tiers 2 and 3 of the High Fire Threat District (HFTD). While, on its surface, PR 10 may appear to increase the design loads for structures in the Light Loading district (i.e. a 10% load increase), when assessed in conjunction with the changes proposed in the contingent PR 13, SED contends that this pair of changes together would constitute a significant decrease in public safety. Furthermore, SED does not believe that the proponent of PR 10 has provided sufficient evidence that a blanket 10 percent increase in design loads is appropriate or sufficient. SED contends that a determination of the appropriate adjustment to current GO 95 strength and loading requirements (i.e. Section IV) should not take place unless and until GO 95 is modified to include suitable wind loading districts that capture the variance of wind conditions across the State. Additionally, SED contends that the introduction of a “wind load factor” (i.e. a

load multiplier), as proposed in PR 10, constitutes a change of GO 95's current design methodology for structures and facilities from an allowable strength design towards a load and resistance factor design (LRFD), which is specifically ruled out of scope for R.15-05-006. (OIR at p. 7). For the reasons stated above, SED opposes PR 10.

## **TURN**

TURN supports the adoption of reasonable regulations to improve the safety of utility facilities. In reviewing any new or modified regulations, however, the Commission must weigh the benefits and costs of proposed changes that would have more than a de minimis cost impact on customers. There are, and always will be, many opportunities to improve safety, but ratepayer funds are limited and must not be exhausted on regulatory compliance efforts that are not cost-effective. Under California law, all utility spending for any purpose, including safety, must be justified under Public Utilities Code Section 454(a) and must meet the just and reasonable standard of Section 451. The proponent of this proposed rule, however, states that a cost/benefit analysis was not performed as it is not yet known where these rules apply and that it is unable to provide detailed cost estimates or cost-benefit comparisons.

This proposed rule would create a new wind load factor for lines located within Tiers 2 and 3, for which the wind loads of Rule 43.2.A. would be multiplied by a wind load factor of 1.1. The proponent, SDG&E, states that the revised rule would result in low to moderate costs in its service territory. SDG&E, however, does not provide any rough cost estimates for the other utilities. Furthermore, SDG&E states that the reason the costs would be low to moderate is because the company has already implemented measures such as more stringent wind loads than those required by GO 95 to reduce risks in certain areas. It is unclear whether any other utilities have implemented similar, more stringent wind loads so it is possible that other utilities may incur more costs than SDG&E to implement this rule change. As it stands now, there is insufficient information with which to determine either the cost-effectiveness or the reasonableness of this proposed rule, and TURN, therefore, opposes this proposed rule.

- **Final Vote:**

<b>PARTIES</b>	<b>NOT PRESENT</b>	<b>YES</b>	<b>NEUTRAL</b>	<b>NO</b>
AT&T				X
BVES			X	
CALTEL	X			
CCTA				X
CFBF	X			
Charter Comm.				X
City of Laguna Beach			X	
CMUA				X
Comcast				X
Consolidated Comm.				X
Cox Comm.				X
Crown Castle				X
CTIA				X
ExteNet	X			
IBEW 1245		X		
LA County Fire				X
LADWP				X
Liberty CalPeco			X	
Mussey Grade Road Alliance				X
PacifiCorp				X
PG&E				X
SED				X
SCE				X
SDG&E		X		
Small LECS				X
SMUD				X
Sprint-Nextel	X			
T-Mobile				X
TURN				X
Frontier				X
Verizon Wireless	X			

**I. PROPOSED *NEW* GENERAL ORDER 95, RULE 43.3****A. Current Rule**

None

**B. Proposed Revised Rule Shown with Strikeout/Underline****43.3 Fire-Threat Loading**

Fire threat loading shall apply in all parts of the State of California designated as Tier 2 or Tier 3 of the High Fire Threat District. This loading shall be taken as the resultant of wind pressure and deadweight under the following conditions:

**A. Wind**

Horizontal wind pressures for cylindrical surfaces fire threat zones shall be determined from the statewide Fire Weather Wind Loading map as applied in Tier 2 and Tier 3. Wind loading values specified in Rule 43.2.A shall be multiplied by wind load factor specified in the statewide Fire Weather Wind Loading Map.

Horizontal wind pressures on flat surfaces shall be 1.625 times the value for cylindrical surfaces. Where latticed structures are used, the actual exposed area of one lateral face shall be increased by 50% to allow for pressure on the opposite face, provided this computation does not indicate a greater pressure than would occur on a solid structure of the same outside dimensions, under which conditions the latter shall be taken.

**B. Ice**

No ice loading is to be considered.

**C. Temperature**

Conductor temperature shall be assumed to be 25°F at the time of maximum loading. A conductor temperature of at least 130°F shall also be assumed for computing sag and its effect on structural loads due to weight span.

**C. Proposed Final Version****43.3 Fire-Threat Loading**

Fire threat loading shall apply in all parts of the State of California designated as Tier 2 or Tier 3 of the High Fire Threat District. In the case that the appropriate Light or Heavy Loading district calculation would yield a higher wind pressure than the fire threat loading, the greater of the two shall apply. This loading shall be taken as the resultant of wind pressure and deadweight under the following conditions:



A. Wind

Horizontal wind pressures for cylindrical surfaces fire threat zones shall be determined from the statewide Fire Weather Wind Loading map for Tier 2 and Tier 3. Wind loading values specified in Rule 43.2.A shall be multiplied by wind load factor specified in the Statewide Fire Weather Wind Loading Map.

Horizontal wind pressures on flat surfaces shall be 1.625 times the value for cylindrical surfaces. Where latticed structures are used, the actual exposed area of one lateral face shall be increased by 50% to allow for pressure on the opposite face, provided this computation does not indicate a greater pressure than would occur on a solid structure of the same outside dimensions, under which conditions the latter shall be taken.

B. Ice

No ice loading is to be considered.

C. Temperature

Conductor temperature shall be assumed to be 25°F at the time of maximum loading. A conductor temperature of at least 130°F shall also be assumed for computing sag and its effect on structural loads due to weight span.

## II. JUSTIFICATION

- **Specific electric utilities, CIPs, and others affected:**

This revised rule would be applicable to jurisdictional electric utilities, communication companies, and other companies owning/operating overhead electric and communication lines in California.

- **Geographic Areas where the rule will apply:**

This rule would apply to portions of High Fire Threat District Tiers 2 and 3 in which extreme winds associated with fire weather occur.

The advantage of adopting a higher wind loading district for winds associated with fire weather is that it is generally applicable to all areas of California and does not require an artificial division between Northern and Southern California fire regimes. In areas where extreme fire winds do not occur, there would be no additional loading requirement.

- **How the PR reduces or otherwise addresses fire hazards and/or risks in the High Fire-Threat District:**

There are a number of justifications for this rule:

- **The Commission expects that the products of this proceeding will remove any uncertainty regarding interpretation of wind loading standards.**
- **Use of rule 31.1 to enforce construction to known local conditions has serious shortcomings**
- **The proposed rule adopts the ASCE (American Society of Civil Engineers) practice of tying categories of elevated risk to enhanced loading requirements.**
- **Specific “fire weather” designation for recurrence intervals addresses concerns regarding different weather patterns in Northern and Southern California. Enhanced loading requirements will only be applicable where high winds and fire weather coincide.**
- **San Diego Gas and Electric Company has already implemented most elements of this rule in its own service area (new loading designation, wind load map).**

### **Importance of determining a granular and effective wind loading standard**

In R.08-11-005, there was disagreement between SED and utilities regarding the interpretation of Rule 48 with regard to wind loading, with SED interpreting wind loading requirements of 112 mph for new poles and 92 mph for existing poles, including safety factors. This is greatly at variance with the utility/CIP interpretation of 56 mph.<sup>21</sup> D.14-12-089 states:

“In Phase 3, Track 3, we intend to develop, adopt, and implement statewide fire-threat maps that accurately designate geographic areas where power-line fires are more likely to ignite and spread rapidly. (D.14-02-015, p. 68.) We expect that the fire-threat maps will allow the development of a more granular and cost-effective wind-load standard and that a blanket requirement that all facilities should be built to the same wind-load standard may not be necessary or appropriate.”<sup>22</sup>

It is clear that the Commission regards the creation of a new wind loading standard as an outcome of this proceeding as highly desirable, and in fact it is the only outcome that they mention explicitly in their Decisions.

### **Rule 31.1 has serious shortcomings as a protective measure in lieu of clear wind loading standards**

Rule 31.1 states in part that:

“For all particulars not specified in General Order 95, a supply or communications company is in compliance with this rule if it designs, constructs and maintains a facility in accordance with accepted good practice for the intended use and known local conditions.”

It has been argued that specific wind loadings are not necessary so long as utilities are designing to their known local conditions. There are a number of flaws in this argument. These include:

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<sup>21</sup> D.14-02-015; pp. 56-70.

<sup>22</sup> D.14-12-089; p.4.

- **The extent of the responsibility of the utility to know the conditions in its own service territory has not yet (to our knowledge) been clearly determined by the Commission.**
- **A utility may argue as to the extent to which its conditions are “known”.**
- **A utility may argue to what extent its actions constitute “accepted good practice”.**
- **The language as written provides an incentive to ignorance of local conditions.**
- **A utility may argue that knowledge of its local conditions was obtained after the line was designed and constructed.**

Regardless, rather than having clear-cut guidance the wind loading decision is delegated to the utility, and the sole recourse if this goes awry and leads to fire starts is litigation through Commission and civil processes. This does not adequately protect the public.

### **Adopting the engineering practice of tying risk level to tolerable frequency**

In the Alt-1 version of PR 11, the tiers in the statewide Fire Weather Wind Load Map will be a multiplier that will be determined from the peak wind speeds in that geographic region. Tier 3 values will have a higher multiplier than Tier 2, in analogy with the ASCE7-10 methodology of tying risk level to tolerable frequency.

The American Society of Civil Engineers issues wind loading standards in ASCE7-10.<sup>23</sup> While the methodology used by the ASCE is very different than that applied in GO-95, one of the practices used by ASCE may be directly applicable to our current problem – specifically how to tie risk levels to geographic distributions of peak winds.<sup>24</sup>

The ASCE defines risk categories ranked from I to IV depending on the level of hazard posed to the public.<sup>25</sup> Category I, for instance, presents no substantial risk to the public, Category II would comprise residential structures, while Categories III and IV represent structures whose failure would put the public at risk (for instance, hospitals, chemical plants, etc.). The general idea is that structures should be built with resilience corresponding to the public risk posed by their failure.

The method that the ASCE uses to specify this resilience is to use the concept of a return interval for an event of the magnitude that would exceed design limits for the structure. For wind loading, it uses a return interval of 700 years (7% probability of exceedance in 50 years) for

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<sup>23</sup> ASCE/SEI 7-10; Minimum Design Loads for Buildings and Other Structures; third printing, 2013.

<sup>24</sup> Note that we are NOT arguing for use of ASCE maps themselves (or the NESC maps that are derived directly from the ASCE maps), since these have poor geographical resolution and do not take into account fire weather conditions.

<sup>25</sup> ASCE/SEI 7-10; p. 2.

Category II structures and 1700 years (3% probability of exceedance in 50 years) for Category III and IV structures.<sup>26</sup>

The final step is that the ASCE constructs maps for its defined recurrence intervals (in the present case 700 and 1700 years). Using these maps, wind loading requirements for a structure of a certain risk category and geographic location can be defined.

This PR argues for an analogous approach. In our case, the public risk is established by the tier designation in the High Fire Threat District. We expect that a utility wildfire ignition in tier 3 is expected to be more likely and more potentially severe in consequences (risk to life and property) than one in tier 2. So it makes sense that tier 3 should be held to a higher safety standard than tier 2 facilities. When it comes to wind loading, though, it's also desirable that the costly measure of higher design wind loadings be concentrated where this countermeasure would be most effective. Adopting a wind loading map in conjunction with the High Fire Threat District map would allow us to do this.

The ASCE methodology for calculating wind loading (and consequently the NESC standards that are used nationally and for transmission facilities in California, which are derived directly from the ASCE standards and maps), use a different methodology and set of safety factors than GO95. For this reason, it isn't appropriate to directly adopt the 750 year (Class 2) or 1700 year (Class 3, 4) recurrence intervals.

### **But we will need wind maps for fire weather**

Since we need to revise the rules for wind loading, it is critical that we know what that wind loading is going to be. Going forward without detailed knowledge of wind loading on the landscape will mean that some areas may be overbuilt (with cost impacts to ratepayers) or underbuilt (with safety impacts to residents). Also it is critical to differentiate between winds associated with fire weather and wet winter storms, in order to come up with a rule that is generally applicable across the state. Fortunately, data and methodology to produce accurate maps may already be available. In addition to humidity, it may also be beneficial to apply a cut on temperature to prevent inclusion of cold dry alpine wind storms.

We note that wind recurrence interval maps were one of the initial outputs of the IET in Map 1, those these were not used for further application or included in the final report. David Sapsis of Calfire has provided a recommendation regarding how this data should be obtained, and MGRA supports the Calfire recommendation.

We also note that utilities themselves have apparently been putting resources into obtaining their own wind maps. SDG&E has developed a high resolution wind loading map using its network of weather stations,<sup>27</sup> and we understand that both PG&E and SCE may have obtained assistance from Reax to obtain their own wind loading maps. While it might be possible to delegate wind mapping responsibilities to utilities as part of a requirement to understand their local conditions,

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<sup>26</sup> Id. p. 191a, 192a. According to ASCE's website, ASCE 7-16, which is due out shortly, will revise these return intervals and differentiate between Category III and Category IV risks.

<sup>27</sup> A.15-09-010; Direct Testimony of the Mussey Grade Road Alliance, SDG&E Wildfire Expense Balancing Account. Appendix E; p. OH 340.1 and OH 340.2. Appendix G sheet 10 of 15.

this would mean that safety in different service areas would potentially be subject to the varying levels of sophistication and quality applied to obtaining the wind maps. It also would put a burden on the smaller IOUs that do not have the same resources. So we favor a centralized approach. However, it would be greatly beneficial if high-quality data (such as the SDG&E mesonet data) and analysis could be incorporated to improve the quality of the maps and the speed with which they could be provided.

Since wind maps need to be put in place and approved before this rule can be applied, it will be necessary to explicitly specify the mechanism by which they will be produced well in advance of the point at which this rule can become operational.

- **The estimated costs of the PR, including, if available, costs incurred by IOUs, POUs, CIPs, and customers:**

By using anticipated wind conditions during fire weather as a primary consideration when designing for wind loading, this rule focuses necessary infrastructure improvements on the areas most needing them and controls costs by requiring the coincidence of high fire-weather winds and high fire threat before requiring higher designed wind loads. This rule further concentrates on the areas of greatest risk by tying the required loading standards to tiers in the High Fire Threat District.

Building to higher wind loading standards can be expensive, as is evidenced by SDG&E's FiRM program. Currently underway and spanning multiple GRC cycles, MGRA has estimated that applying its enhanced standards across the entire SDG&E fire hazard zone would cost \$1.7 billion.<sup>28</sup> To control costs and enhance safety, SDG&E created its own zone map for enhanced loading requirements. SDG&E's approach is similar to the one proposed here, though it does not explicitly use recurrence intervals tied to fire threat tiers. To our knowledge, it has done no cost-benefit analysis in determining its loading requirements.

An advantage of the approach proposed in this rule is that once base maps for the fire threat tiers and for the wind zones have been put in place, cost estimates can be made as a function of the tier multiplier. Quantifying the benefit is much more challenging, since it would require developing a cost-avoidance model for catastrophic wildfire. This problem may be an approachable using wildfire spread models, but it would require dedicated effort that neither the Commission, utilities, nor any party has so far committed to.

The multipliers for Tier 2 and Tier 3 should be optimized. Based on ASCE7-10 values for the ratios of Class 3 and Class 4 hazards versus Class 2 hazards, we suggest a 25% additional multiplier for Tier 3.

- o **Whether and how the costs will be recovered from customers:**

Investor-owned utilities (IOUs) may track and recover incurred costs associated with implementing the revised rule in the same manner as was approved by the Commission in Phase 3, Track 1 and 2 of Rulemaking (R.) 08-11-005 (D.14-02-015). Companies that are not rate-of-

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<sup>28</sup> I.16-10-015; Mussey Grade Road Alliance Prehearing Conference Statement On San Diego Gas & Electric Company Risk Assessment And Mitigation Phase; December 12, 2016; p. 3

return regulated entities may recover costs in any legally permissible manner, including through line-item charges or increased fees for services.

**o Whether and how costs will be shared among electric utilities, CIPs, and others:**

It is not anticipated that costs will be shared among companies. Any costs resulting from implementation of this revised rule would be recovered through existing cost recovery mechanisms.

**• If the PR applies to electric transmission, why the regulations does not conflict with other federal or state regulations:**

The revised rule does not apply to electric transmission. No conflicts with other federal or state regulations have been identified in this proceeding.

**• The timeframe for implementing the PR:**

The revised rule should become effective 6 months after the later of the following dates: 1) the date that Commission adopts a new High Fire Threat District map or 2) the date that Commission adopts a new Fire Weather Wind Loading Map.

**• Why it is in the public interest to adopt the PR:**

This revised rule would reduce the risk of fire ignitions by reducing structural failures in specified areas of High Fire Threat District Tiers 2 and 3 due to high loads imposed by extreme winds events.

**• Whether the PR is exempt from the California Environmental Quality Act (CEQA) and/or the National Environmental Policy Act (NEPA) and, if so, why. Any assertion that CEQA and NEPA do not apply must cite the relevant statutes and/or regulations where the exemption is listed. Conversely, any assertion that CEQA and/or NEPA do apply must (1) cite the relevant statutes and/or regulations that show this, and (2) list the steps that need to occur under CEQA and/or NEPA before the PR can be adopted:**

This proposal is exempt from environmental review under Section 15378 of the California Environmental Quality Act (CEQA) Guidelines because it is not a “project” under CEQA and will not have any potentially significant impact on the environment. NEPA does not apply because adoption of the proposed rule change does not constitute action by a federal agency within the meaning of 42 USC § 4332.

- **Criteria regarding (1) where the PR should apply with respect to new installations and reconstruction in the High Fire-Threat District; and (2) whether existing facilities in the High Fire-Threat District should be retrofitted or replaced to conform to the PRs. *(These criteria should include methods for: (a) Estimating the costs and safety benefits of the PRs, and (b) weighing the costs and safety benefits.)*:**

This rule will apply to all new facilities and reconstruction.

For existing facilities:

Electrical utilities shall include in any RAMP filing occurring later than 12 months after the adoption of both the Fire-Threat Map and Fire Weather Wind Loading Map a full cost estimate of upgrading existing facilities to the new standard, broken out into any wind loading tiers specified in the Fire Weather Wind Loading Map. The subsequent GRCs shall include a plan for phased upgrade of legacy infrastructure to the higher standard, starting with the areas deemed to be at highest risk. Cost/benefit analysis may be performed as part of the subsequent GRC and RAMP cycles and used to determine the appropriate time scale for completion of the work.

Communications providers will provide a full cost estimate of upgrading existing facilities to the new standard, broken out into any wind loading tiers specified in the Fire Weather Wind Loading Map, within 12 months after the adoption of both the Fire-Threat Map and Fire Weather Wind Loading Map, and provide this information to the Commission via an Advice Letter. This estimate will be broken out into any wind loading tiers specified in the Fire Weather Wind Loading Map. The Commission will then commence a proceeding to determine an appropriate time scale for completion of legacy infrastructure upgrades. Cost/benefit analysis would be performed as part of this proceeding and used to inform the schedule.

- **A detailed summary of any ancillary issues with a direct nexus to the PR:**

This rule is an alternative to SDG&E PR-10. Any proposed modifications to Rule 48 should only be considered if a rule that fully addresses wind loading under extreme fire weather conditions is adopted.

- **Other matters to be considered:**

Additional work will be required in order to create the Fire Weather Wind Loading Map. While the Map 1 weather layers may provide a starting point, additional processing and validation will be required. The Commission will need to sponsor this work, which may require a dedicated subsequent proceeding.

Additionally, ALJs Kao and Kenny have posed a number of questions regarding the scope of a potential subsequent proceeding that would address issues raised in this Proposed Rule Change. MGRA will respond fully to these questions in its Comments on the PRCs.

### III. POSITION OF PARTIES

- **Comments in Support**

#### **AT&T, Frontier, Consolidated and Small ILECs: Qualified support**

AT&T, Frontier, Consolidated and Small ILECs support the Wind Study Component of PR-11 provided that loading rules will be concurrently reviewed and revised.

The recommendation in PR-11 that a wind study be done for the state to determine proper wind loading is a necessary step to make economically sound and risk-based decision on fire mitigation for wild fire risk due to a potential power line failure in the high fire threat districts. Identification of local wind conditions in Tiers 2 and 3 will help target high wind loading requirements where they are needed. In some areas of Tiers 2 and 3, a relatively higher wind loading factor might be warranted where conditions necessitate extra measures. Likewise, in other areas of the state, a lower standard, or the present standard, may be appropriate depending on the results of the wind study. While the wind loading proposal may be reasonable, depending on the other associated parameters (e.g., corresponding safety factors), its effectiveness and economic impact on consumers is dependent upon the Commission's review and revisions of existing GO 95 loading rules.

As proposed, PR-11 appears to presume current GO 95 rules will apply additional wind loading without necessarily making changes to existing controversial loading rules. For example, increasing wind loading requirements without reviewing and correcting certain provisions of Rule 48 that have been widely criticized as being out of date, incorrect and operationally impractical, will not lead to an economically and operationally sound design standard. For this reason, the ILECs support for PR-11 is conditioned on deferring all non-consensus design and construction related proposed rules to another phase of this or another proceeding where the parties and the Commission may consider them along with a statewide wind study. The ILECs will provide specific procedural and process proposals in their comments responding the questions the ALJs raised in connection with this proposed rule change.

#### **MGRA responses to ALJ's questions circulated June 7 and discussed on June 8.**

- **Is there data available to develop a fire-wind map?**

MGRA supports the response of Mr. Sapsis on behalf of CalFire/IRT.

- **How would the “dedicated subsequent proceeding” be initiated – by a Commission OIR, utility-filed applications, or some other procedure?**

Since this is a state-wide problem, it would probably be best that it be handled with a process spanning all utilities, specifically an OIR. If it were handled as sequence of utility applications they would need to be merged (an example of a similar proceeding would be S-MAP).



- **Who would write the OIR -- SED staff?**

From an ideal standpoint, SED enforcement or Safety Advocacy should write the OIR. From a practical standpoint, having the assigned staff be well-cognizant of the issues involved in R.15-05-006 and R.08-11-005 would help to create an OIR with appropriate scoping and narrow focus. Staff tasked with writing the OIR should be given clear guidance by the Commission regarding the goals of the rulemaking - specifically that the Commission desires to have geographically-specific wind loading requirements in the High Fire Threat District.

- **Who would file the application(s) – the electric IOUs?**

The electric IOUs would file the applications simultaneously, which would be merged into a single proceeding. This would be done if this were an IOU-driven map creation process.

- **Should there be a deadline for the OIR/application(s)? If yes, what would be the deadline?**

1 year after adoption of Fire Map 2.

- **If another procedure, what would it be, and who would be responsible?**
- **Does the following variant of the “SDG&E model” provide a reasonable approach for developing a fire-wind map and appropriate mitigation?**
- **Each electric IOU develops its own fire-wind map.**

Maturity and technical competency in the development of wind maps varies substantially between IOUs. This might be a burden on small providers. Additionally, this would lead to potential variations in technique, focus or quality between the approaches to map creation that different IOUs would take. If the Commission were to control the quality of these efforts, it would need to become educated in the specific approach of each individual utility. Utilities would also need to obtain adequate staffing to produce the product, which would lead to added expense that would be passed on to ratepayers. The Commission would also need to lay out the enforcement mechanisms: how would each of the maps would be applied to engineering and maintenance and how violations would be identified and corrected. This problem becomes more complex if each utility is managing its own wind map and determining how it is applied. So while a utility-driven approach is potentially feasible, it probably would be more expensive in the longer term, less uniform in quality, and less enforceable than a centralized approach.

- **The Commission decision in R.15-05-006 provides guidance for the development and content of the IOU fire-wind maps. What should this guidance be?**

Guidance should be that the proceeding should be narrowly focused on the following goals:

Obtaining accurate long-term peak wind predictions for the state of California.

Determine appropriate data selection to differentiate peak winds associated with fire weather from winds associated with other weather phenomena.

Creating a map of the maximum fire wind load that would be expected in the area subtended by Tier 2 and Tier 3 of the High Fire Threat District.

Determine an appropriate load multiplier based on the principle that the probability of failure capable of causing wildfire should be negligible during anticipated extreme weather events within a given interval. MGRA suggests starting with a 50 year interval in Tier 2 of the High Fire Threat District as a starting point for analysis.

Determine what the appropriate differential in acceptable risk is between Tier 2 and Tier 3 of the High Fire Threat District, and the differential in load multipliers between these two districts.

Apply the given wind loading standards as a wind load multiplier overlay onto the Tier 2 and Tier 3 maps.

- **CAL FIRE or IRT reviews each utility's fire-wind map. Perhaps an analogy is the use of an independent evaluator for IOU electric procurement contracts.**

See discussion in Section 3.a.

- **How would the IRT be selected, vetted, contracted, and funded?**

The same mechanism used to fund the IRT in R.08-11-005 and R.15-05-006 should be used to fund further work on a Fire Wind Map.

- **What criteria would the IRT use to evaluate fire-wind maps?**

Criteria that the Commission should request that the IRT use would include:

- That the produced map be designed to use as an overlay in conjunction with the High Fire Threat District.
- That it use the best available science to estimate peak wind speeds.
- That it restrict analysis only to peak winds occurring during "fire weather", i.e. conditions of low humidity, moderate to high temperatures, and low fuel moisture.

In other particulars the IRT should use its expertise to define quality standards.

- **Each IOU reimburses CAL FIRE's and/or IRT's costs.**

This proposal is appropriate since it would tie the size and complexity of the work to the extent of the IOU service area.

- **Each IOU files application for Commission approval of its CAL-FIRE and/or IRT reviewed fire-wind map.**

It would be desirable that these applications be simultaneous, so that the IWET would have the same staffing be present and technical approach applied in a common way across all IOU service areas.

- **Each IOU with RAMP proposes appropriate mitigation for its service territory in its next RAMP filing.**

Some parties, in particular the CIPs have expressed concern that RAMP filings have limited mechanisms for input of parties aside from the applicant and SED. That being said, the RAMP filing may be the appropriate venue for cost/benefit analysis and proposed scheduling of any required system upgrades.

- **Alternatively, instead of RAMP, an IOU's Commission-approved fire-wind map would be recognized as a GO 95 "known local condition" for the IOU and the CIP facilities in the IOU's service territory.**

If we understand this proposal, it would mean that the purpose of the fire-wind map would be to put utilities "on notice" regarding the hazard conditions existing in their territories and leave it up to them to determine the appropriate time line and measures to mitigate these hazards. From an enforcement standpoint, the utilities would be in violation if their infrastructure failed due to exposure to winds not exceeding the winds predicted in the fire map. In fact, given current GO 95 language, this would be the operative interpretation of GO 95 once the fire wind maps were in place, regardless of whether further work goes into other proceedings. MGRA's current thought on this matter is that it would be good to provide guidance and timetables once the map is in place in order to provide potential relief to ratepayers, since the gap between the current 56 mph interpretation of GO 95 and the actual local conditions may be substantial in many areas, and the amount and cost of remedial work may be burdensome. A proceeding, RAMP or otherwise, would allow evaluation of other alternative safety mitigation that may supplement or substitute for higher wind loading standards, allow the evaluation of costs, and would allow a phased implementation to be proposed.

- **Separately, SED would assess the need for new and revised regulations based on the IOUs' Commission-approved fire-wind maps and, if SED deems appropriate, SED files petition for rulemaking with proposed regulations (or compliance filing that states no new regulations are needed).**

MGRA would favor this approach once the fire-wind maps are available, with the caveat that regardless of whether SED initiates a rulemaking, there still may need to be phased planning based on cost-benefit analysis for implementation, and to evaluate the appropriateness of additional measures that utilities may propose under extreme wind conditions (i.e. shut-off).

- **If there is an OIR:**

- **What would be the scope of the OIR -- fire wind maps and fire-wind load standards?**

The first act of the OIR would be the formulation of an IWT team as defined by Mr. Sapsis who will have the task of developing a long-term wind maps that accurately measure anticipated long-term peak wind speeds in California.

The first product of the OIR would be the creation of the fire-wind map indicating maximum wind speeds in a time interval (possibly 50 or 100 years) that would be likely to initiate and propagate fires. This would include production of an overlay to the Tier 2 and Tier 3 maps indicating areas where enhanced wind loading standards should be in place.

Simultaneously, the OIR would determine how known wind speeds would be used to enhance GO 95 wind loading requirements: As a replacement for the existing standard, or as a potential multiplier to the existing wind load standard, or whether to leave this to the utilities to manage as a “known local condition”.

The OIR would also determine the appropriate differential in failure probability that would be appropriate in Tier 3 with respect to Tier 2, with the understanding that more stringent requirement should be in place in Tier 3.

NOT in scope:

In order to determine cost and perform cost/benefit analysis, nearly final maps and regulations would need to be in place. If put at the OIR, they could significantly extend the proceeding. Hence, these analyses should be delegated to utility-specific proceedings, either RAMP, the GRC, or dedicated proceedings.

Cost/benefit considerations would feed into scheduling as well, which should also be deferred. It may be that the engineering work required in some areas may be extensive and expensive, and cost/benefit considerations may show that remediation should extend over multiple GRC cycles.

Alternative mechanisms to achieve protection under extreme winds, such as shut-off, also require cost/benefit analysis and should be referred to utility-specific proceedings.

- **Should the Commission decision in R.15-05-006 provide guidance for the development and content of fire-wind maps? What should this guidance be?**

See Section 3.c.ii

- **Who would develop the statewide fire-wind map – CAL FIRE? What would be the funding and procedures for CAL FIRE’s development of the fire-wind map and the Commission’s review and approval?**

MGRA supports the comments of Mr. Sapsis of Cal Fire with regard to the appropriate role for Cal Fire’s role and activities in support of the creation of the fire-wind map. As stated previously, funding, review, and approval should follow the same processes used in R.08-11-005 and R.15-05-006.

- **Comments in Opposition**

**Liberty CalPeco**

Liberty CalPeco opposes the new fire-threat loading requirements contained within PR-11 that would apply to all of Tier 2 and Tier 3. Liberty CalPeco's calculation costs would be substantially greater and there could be substantial cost impacts for any changes that need to be made based on the new calculations (e.g., pole replacements). Logistically, this requirement references a Fire Wind Map that is not in existence and that will require the Commission to open another phase or proceeding to create the map. The Commission should not adopt a PR that is based on a Fire Wind Map that may not ever exist (and has not even been conceptually vetted by stakeholders) but will have significant costs implications.

**PacifiCorp responses to ALJ's questions circulated June 7 and discussed on June 8.**

PacifiCorp does not support this PR because PacifiCorp believes that existing wind loading tools and principles should apply universally as a matter of ensuring structural integrity, irrespective of fire threat tiers, and, with respect to the impact of wind on areas of elevated fire threat, utilities should use the fire map developed in this proceeding. In response to ALJ Kenney's questions related to this PR, PacifiCorp responds as follows:

- **Is there a need for a separate fire-wind map proceeding?**

There is no need for a separate fire-wind map proceeding. It appears from Mr. Sapsis' response he is separating the fire weather effect of wind from the structural impacts on infrastructure from wind. PacifiCorp supports this separation but points to two specific products that make the development of any new map products unnecessary.

First, the American Society of Civil Engineers (ASCE) have long been responsible for developing structural loading requirements at specific locations from historic wind records, and using sound engineering principles which balance structural safety against the cost to create more resilient structures, ASCE has established methods adopted within the Uniform Building Code. This product is memorialized in ASCE 7-10. Other parties to this proceeding recognized the value of this product, but did not identify the need to exclude the imputed load factors that are part of that product. If load resistance factor design (LRFD) were adopted into Section IV of General Order 95, utility-specific load factors would need to be developed. To the extent that structural integrity needs to be considered, application of these principles into utility standards should be evaluated, without duplicating the calculations and production of the map data.

Second, the Independent Expert Team, with periodic review by stakeholders, developed its Utility Fire Threat Map, as memorialized in Shape A, which quantified fire weather using wind data. While stakeholders pointed to issues with underlying assumptions that questioned map results (such as the application of a uniform live fuel moisture content that was not appropriate for northern Coastal areas, or the use of winter wind events into the development of viable extreme wind-speeds), the map product was developed and is being used (after adjustment for flawed mapping output due to these assumptions) to serve as a fire threat map.

- **Who should develop the map? Statewide or on a utility by utility basis? With oversight by Cal Fire or some other expert? Should SDG&E's approach be replicated?**

No one should develop a new map. Rather, utilities should develop a roadmap for how they would incorporate the two map products into their operational and engineering decisions. The structural map already produced by the ASCE could be an input for each utility to memorialize areas within their service territories for which they would specify elevated winds for structural purposes. The map products from the IET and IRT would serve as input for operational and emergency plans for fire mitigation planning, in a manner very similar to that executed by the utilities during the time that the Governor's Drought Emergency Declaration was in existence.

- **If a subsequent proceeding is opened, should it be a rulemaking or application proceedings?**

The utilities should be directed to file applications advising how they have incorporated these two work products into their operational, engineering and emergency standards.

- **In the event the Commission opens up a subsequent proceeding, what are the who, what, where, why and whens?**

If a separate proceeding is opened into this matter, it should be segregated into the structural aspect and the operational/emergency aspect of wind, with members of the "Mechanical Strength" sub-team of the Fire Safety Technical Panel augmented by Rules Committee members who would be responsible for developing methods to ensure appropriate incorporation of wind loading data into standards, such as were explored by the Fire Safety Technical Panel's Mechanical Strength Sub-team. This team could also be directed to consider whether contemporary structural failure modeling such as accomplished through LRFD methods, should be incorporated into Section IV of General Order 95. This sub-team should be established immediately with an expected "refresh" of GO 95 Strength Rules over the next 3 years.

## **TURN**

TURN supports the adoption of reasonable regulations to improve the safety of utility facilities. In reviewing any new or modified regulations, however, the Commission must weigh the benefits and costs of proposed changes that would have more than a de minimis cost impact on customers. There are, and always will be, many opportunities to improve safety, but ratepayer funds are limited and must not be exhausted on regulatory compliance efforts that are not cost-effective. Under California law, all utility spending for any purpose, including safety, must be justified under Public Utilities Code Section 454(a) and must meet the just and reasonable standard of Section 451. The proponent of this proposed rule, however, has not provided detailed cost estimates for its proposal. Given that the rule depends on knowing the bounds of High Fire District Tiers 2 and 3, it is reasonable to assume that total cost impacts cannot be estimated until the Fire Map 2 is completed.

This rule would apply enhanced wind loading standards to utility facilities in Tiers 2 and 3, which, as the proponent states, can be expensive. The proponent estimates that applying its

enhanced standards across SDG&E's fire hazard zone would cost \$1.7 billion. This is a staggering amount for ratepayers to bear. The proponent does not provide similar estimates for the other utilities, but, given the magnitude of the estimated costs for SDG&E, it is imperative for the Commission and parties to obtain additional data on the cost impacts of this proposed rule if it is to be considered for adoption. As it stands now, there is insufficient information with which to determine either the cost-effectiveness or the reasonableness of this proposed rule, and TURN, therefore, opposes this proposed rule.

- **Final Vote:**

<b>PARTIES</b>	<b>NOT PRESENT</b>	<b>YES</b>	<b>NEUTRAL</b>	<b>NO</b>
AT&T		x		
BVES				x
CALTEL	x			
CCTA				x
CFBF	x			
Charter Comm.				x
City of Laguna Beach			x	
CMUA				x
Comcast				x
Consolidated Comm.		x		
Cox Comm.				x
Crown Castle				x
CTIA				x
ExteNet	x			
IBEW 1245			x	
LA County Fire		x		
LADWP				x
Liberty CalPeco				x
Mussey Grade Road Alliance		x		
PacifiCorp				x
PG&E				x
SED			x	
SCE				x
SDG&E				x
Small LECS		x		
SMUD				x
Sprint-Nextel	x			
T-Mobile				x
TURN				x
Frontier		x		
Verizon Wireless	x			



**I. PROPOSED *REVISION TO GENERAL ORDER 95 RULE 44.3*****A. Current Rule****44.3 Replacement**

Lines or parts thereof shall be replaced or reinforced before safety factors have been reduced (due to factors such as deterioration and/or installation of additional facilities) in Grades “A” and “B” construction to less than two-thirds of the safety factors specified in Rule 44.1 and in Grade “C” construction to less than one-half of the safety factors specified in Rule 44.1. Poles in Grade “C” construction that only support communication lines shall also conform to the requirements of Rule 81.3–A. In no case shall the application of this rule be held to permit the use of structures or any member of any structure with a safety factor less than one.

Note: Allowed reductions specified in this rule are modified by Table 4, Footnotes.

Note: Revised January 13, 2005 by Decision No. 0501030, January 12, 2012 by Decision No.1201032 and February 5, 2014 by Decision No. 14-02-015.

**B. Proposed Revisions Shown with Strikeout/Underline****44.3 Replacement**

Lines or parts thereof shall be replaced or reinforced before safety factors have been reduced (due to factors such as deterioration and/or installation of additional facilities) in Grades “A” and “B” construction to less than two-thirds of the safety factors specified in Rule 44.1 and in Grade “C” construction to less than one-half of the safety factors specified in Rule 44.1. Poles in Grade “C” construction that only support communication lines shall also conform to the requirements of Rule 81.3–A. In no case shall the application of this rule be held to permit the use of structures or any member of any structure with a safety factor less than one.

For wood poles supporting supply lines in Tier 3 of the High Fire Threat District the factors contributing to the allowed reductions to the safety factors specified in Rule 44.1 shall be limited to deterioration and/or in kind replacement of equipment (excluding conductors, cables, messengers and span wires interconnecting multiple poles) on an individual pole. However, in no case shall the equipment replacement described in this paragraph or the addition of new facilities decrease the safety factors below the values prescribed in Table 4.

Note: Allowed reductions specified in this rule are modified by Table 4, Footnotes.

Note: Revised January 13, 2005 by Decision No. 0501030, January 12, 2012 by Decision No.1201032 and February 5, 2014 by Decision No. 14-02-015.

### **C. Proposed Final Version**

#### **44.3 Replacement**

Lines or parts thereof shall be replaced or reinforced before safety factors have been reduced (due to factors such as deterioration and/or installation of additional facilities) in Grades “A” and “B” construction to less than two-thirds of the safety factors specified in Rule 44.1 and in Grade “C” construction to less than one-half of the safety factors specified in Rule 44.1. Poles in Grade “C” construction that only support communication lines shall also conform to the requirements of Rule 81.3–A. In no case shall the application of this rule be held to permit the use of structures or any member of any structure with a safety factor less than one.

For wood poles supporting supply lines in Tier 3 of the High Fire Threat District the factors contributing to the allowed reductions to the safety factors specified in Rule 44.1 shall be limited to deterioration and/or in kind replacement of equipment (excluding conductors, cables, messengers and span wires interconnecting multiple poles) on an individual pole. However, in no case shall the equipment replacement described in this paragraph or the addition of new facilities decrease the safety factors below the values prescribed in Table 4.

Note: Allowed reductions specified in this rule are modified by Table 4, Footnotes.

Note: Revised January 13, 2005 by Decision No. 0501030, January 12, 2012 by Decision No.1201032 and February 5, 2014 by Decision No. 14-02-015.

## **II. JUSTIFICATION**

- **Specific electric utilities, CIPs, and others affected:**

This revised rule would be applicable to jurisdictional electric utilities, communication companies, and other companies owning/operating overhead electric and communication lines in California.

- **Geographic Areas where the rule will apply:**

High Fire Threat District Tier 3.

- **How the PR reduces or otherwise addresses fire hazards and/or risks in the High Fire-Threat District:**

The impact on a line’s or line segment’s structural reliability/risk of failure caused by reducing the safety factors of all the wood poles in the line through the addition of facilities and associated loads is significantly different than having a small number of wood poles scattered over a large area that may have lower safety factors due to deterioration especially when considering the potential consequences when the same facilities are subjected to high wind loads. Limiting the allowable causes for safety factor reductions for wood poles to deterioration in Tier 3 of the High Fire Threat District through implementation of this revised rule would reduce the risks of

structural failures of wood pole lines and the associated fire ignition risks. Note: The allowance for equipment replacement on an individual pole is intended to provide flexibility in the event that a piece of replacement equipment is not identical (e.g., with regards to weight or dimensions) to that which is being replaced. This revised rule is not intended to limit the replacement of conductors, cables, messengers and span wires with identical wires as may be warranted based on maintenance considerations.

- **The estimated costs of the PR, including, if available, costs incurred by IOUs, POUs, CIPs, and customers:**

A cost/benefit analysis was not performed. SDG&E understands that as the proponent of this rule it is expected to provide justification including cost benefit where possible. However, as it is not yet known where these rules will apply (Fire Map 2 is not yet finalized into Shape B, and will not be final for approximately 4 to 6 more months, per the Picker PD dated May 25, 2017) it has not been able to provide cost estimates, or cost-benefit comparisons. SDG&E believes the risk reductions warrant the adoption of the revised rule. In SDG&E's service territory the costs of implementing this revised rule may be significant for an individual project, however, from an overall system perspective, the cost impacts are anticipated to be low to moderate. This is because SDG&E has already implemented measures to reduce risks in certain areas, such as rebuilding select wood pole lines on steel poles and use of more stringent loading requirements than those included in GO 95, which supersede the requirements of this revised rule.

- o **Whether and how the costs will be recovered from customers:**

Investor-owned utilities (IOUs) may track and recover incurred costs associated with implementing the revised rule in the same manner as was approved by the Commission in Phase 3, Track 1 and 2 of Rulemaking (R.) 08-11-005 (D.14-02-015). Companies that are not rate-of-return regulated entities may recover costs in any legally permissible manner, including through line-item charges or increased fees for services.

- o **Whether and how costs will be shared among electric utilities, CIPs, and others:**

It is not anticipated that costs will be shared among companies. Any costs resulting from implementation of this revised rule will be recovered through existing cost recovery mechanisms.

- **If the PR applies to electric transmission, why the regulations does not conflict with other federal or state regulations:**

The revised rule does apply to electric transmission as wooden poles are still used throughout California for some lower voltage transmission facilities. No conflicts with other federal or state regulations have been identified in this proceeding.

- **The timeframe for implementing the PR:**

The revised rule should become effective 12 months after the Commission adopts a new Fire-Threat Map.

- **Why it is in the public interest to adopt the PR:**

This revised rule would reduce the risk of structural failures of wood poles located in Tier 3 of the High Fire Threat District due to factors such as high wind loads, and the associated ignition risks.

- **Whether the PR is exempt from the California Environmental Quality Act (CEQA) and/or the National Environmental Policy Act (NEPA) and, if so, why. Any assertion that CEQA and NEPA do not apply must cite the relevant statutes and/or regulations where the exemption is listed. Conversely, any assertion that CEQA and/or NEPA do apply must (1) cite the relevant statutes and/or regulations that show this, and (2) list the steps that need to occur under CEQA and/or NEPA before the PR can be adopted:**

This proposal is exempt from environmental review under Section 15378 of the California Environmental Quality Act (CEQA) Guidelines because it is not a “project” under CEQA and will not have any potentially significant impact on the environment. NEPA does not apply because adoption of the proposed rule change does not constitute action by a federal agency within the meaning of 42 USC § 4332.

- **Criteria regarding (1) where the PR should apply with respect to new installations and reconstruction in the High Fire-Threat District; and (2) whether existing facilities in the High Fire-Threat District should be retrofitted or replaced to conform to the PRs. *(These criteria should include methods for: (a) Estimating the costs and safety benefits of the PRs, and (b) weighing the costs and safety benefits.):***

This revised rule is proposed only for prospective application to new lines and lines to which facilities are added. Further, it is the intent of the proponent that Rule 12.3 would not be cause for applying this PR to existing lines except in the case that facilities are added to them.

- **A detailed summary of any ancillary issues with a direct nexus to the PR:**

No ancillary issues with a direct nexus to the PR have been identified.

- **Other matters to be considered:**

No other matters to be considered have been identified.

### **III.POSITION OF PARTIES**

- **Comments in Support**

#### **Liberty CalPeco**

Liberty CalPeco generally supports PR-12. However, it is critical to note that given the uncertainty of the final Tier 3 map boundaries, it is impossible to determine how costly or feasible the implementation of PR-12 will be in Liberty CalPeco’s service territory.

## **PacifiCorp**

PacifiCorp agrees with the comments of PG&E with respect to this PR.

## **PG&E**

PG&E supports SDG&E's clarification to Rule 44.3 for the reasons stated by SDG&E in its comments in support, and PG&E joins in those comments. PG&E intends to support, in opening comments, SDG&E's request for additional revisions to avoid the possibility of later confusion and misinterpretation.

## **SDG&E**

SDG&E supports PR 12. However, subsequent to the June 6-8 Workshop, SDG&E received feedback from another Workshop participant (PG&E), that the wording of the last sentence in SDG&E's proposed revision to Rule 44.3 could lead to misinterpretation. SDG&E believes that a strict interpretation of the sentence aligns with the intention of this caveat, however, upon re-reading it from the perspective of a reader that was not party to the deliberations, it could be confusing.

The following narrative provides background on the late stage evolution of PR-12 and illustrates the potential for misinterpretation. (Note: Grade A construction is used below by way of example; the same issues apply to wood poles constructed in accordance with the requirements of Grades B and C, respectively.)

During the latter stages of discussions related to PR-12 (June 6-8 Workshop), i.e., prior to the incorporation of the current form of the last sentence, concern was expressed by several parties that further guidance needed to be added to clarify that the PR is not intended to prohibit the addition of new facilities to poles having safety factors above the values in Table 4 (4.0 in the case of Grade A wood poles). Thus, the last sentence was added to clarify that the addition of facilities is allowable in situations such as an instance in which pole loading calculations reveal that an existing pole (as-built) has a safety factor of say 7.5, as long as the new additions do not reduce the safety factor to a value of less than 4.0. All parties seem to be clear on the interpretation as pertains to the addition of new facilities, however, inclusion of "equipment replacement" in the same sentence provides the basis for potential misinterpretation. For example, assume a failing transformer needs to be replaced (in kind) on a pole which is determined to have a safety factor of 3.6 (as-built).[1] As written, the current version of PR-12 could be misinterpreted as requiring that when the transformer is replaced, the pole also needs to be replaced because its safety factor is less than 4.0. However, that is an incorrect interpretation and is not the intent of PR-12. In this case, the safety factor of 3.6 represents a pre-existing condition. The transformer replacement did not reduce the safety factor below the value prescribed in Table 4, rather the safety factor had previously been reduced below said safety factor value (4.0 for Grade A) but the transformer replacement in this case would have little to no effect on the safety factor and therefore would be allowable.

SDG&E offers the above to clarify what it believes is the correct interpretation of the PR. However SDG&E encourages parties to comment on the need for additional revision.

SDG&E intends to propose an editorial change to PR-12 in opening comments on the Workshop Report as a means to mitigate any potential for misinterpretation as illustrated in the foregoing narrative. In those opening comments SDG&E intends to request that the wording of one sentence be modified by deleting a few words to eliminate the possible source of confusion discussed above. The change will be recommended for clarity only and does not change the intent of the proposed regulation.

- **Comments in Opposition**

### **The CIP Coalition**

The CIP Coalition adamantly opposes PR-12, which would eliminate the 2.67 safety factor application for additional attachments, only retaining that safety factor for deterioration and in kind replacement of equipment. The result would essentially require a **50% increase** in pole strength vs. the present level ( $4.0 / 2.67 = 1.50$ ).

The present safety factor of 2.67 is applied to average wood pole strength and corresponds to a theoretical failure rate of 0.1%; under conservative (“worst case”) design assumptions which significantly reduces the likelihood of failures in practical applications.

There is no basis to justify any increase in pole strength, let alone such a drastic increase. For example, the NESC continually reviews its basic strength requirements, especially in response to the effects of extreme (e.g., 50 year recurrence) wind events. Related widespread industry comments indicate that the present rules are sufficient; rather, failures are generally caused by lack of compliance with existing rules, or by situations that overwhelm their reasonable intent (e.g., automobile collisions, falling branches, flying debris). Thus, there is no indication that poles with a safety factor of 2.67 are unsafe. Moreover if poles really are not safe at a safety factor of 2.67, then no pole carrying dangerous electric facilities should be permitted to drop below the 4.0 threshold for any reason. Instead, PR-12 effectively imposes the extreme standard primarily on third party attachers whose requested attachments would trigger the requirement.

The proponent did not perform a cost/benefit analysis. Even without such an analysis, however, the fact that the rule is applicable to new attachments but not to deterioration or in kind replacement highlights how the brunt of costs would be borne by CIPs seeking access, while the benefit of plant replacement will go to the pole owner. The CIPs are working on developing a cost estimate for this rule but cannot do so until Tier 3 of the High Fire Threat District is defined. Once Tier 3 is defined, CIPs will supplement the record of this proceeding with that information.

In discussing the costs impacts of the proposed rule, the proponent indicates that it has already implemented measures to reduce risks in certain areas such as replacing wood poles with steel poles. Such an acknowledgement is disconcerting because under the current rules, steel poles only require a safety factor of 1 (GO 95 Rule 44.3) which is significantly lower than the safety factor for steel relative to the NESC and the rest of the country. Thus, although a lower safety factor for steel is somewhat justified because of the low variability of engineered materials, steel

poles still can and do fail. Indeed, for current installation values, a wind pressure of less than 20 psf (approximately 85 mph) could fail almost every steel pole, while the vast majority (although not 100%) of wood poles will survive. Similarly, for the current replacement safety factors, a wind pressure of less than 13 psf (approximately 71 mph) could fail almost every steel pole, while the vast majority (although not 100%) of wood poles will survive.

## **TURN**

TURN supports the adoption of reasonable regulations to improve the safety of utility facilities. In reviewing any new or modified regulations, however, the Commission must weigh the benefits and costs of proposed changes that would have more than a de minimis cost impact on customers. There are, and always will be, many opportunities to improve safety, but ratepayer funds are limited and must not be exhausted on regulatory compliance efforts that are not cost-effective. Under California law, all utility spending for any purpose, including safety, must be justified under Public Utilities Code Section 454(a) and must meet the just and reasonable standard of Section 451. The proponent of this proposed rule, however, states that a cost/benefit analysis was not performed as it is not yet known where these rules apply and that it is unable to provide detailed cost estimates or cost-benefit comparisons.

This proposed rule change would limit the allowable causes for safety factor reductions for wood poles to deterioration in Tier 3 areas. The proponent, SDG&E, states that the cost of implementing this revised rule may be significant for individual projects, but anticipates the cost impacts to be low to moderate across its overall system because the utility has already implemented measures such as rebuilding wood poles with steel poles and using more stringent loading requirements. SDG&E, however, did not provide cost estimates for other utilities. It is also unclear whether any other utilities have implemented similar, more stringent measures so it is possible that other utilities may incur more costs than SDG&E to implement this rule change. As it stands now, there is insufficient information with which to determine either the cost-effectiveness or the reasonableness of this proposed rule, and TURN, therefore, opposes this proposed rule.

- **Final Vote:**

<b>PARTIES</b>	<b>NOT PRESENT</b>	<b>YES</b>	<b>NEUTRAL</b>	<b>NO</b>
AT&T				X
BVES		X		
CALTEL	X			
CCTA				X
CFBF	X			
Charter Comm.				X
City of Laguna Beach			X	
CMUA		X		
Comcast				X
Consolidated Comm.				X
Cox Comm.				X
Crown Castle				X
CTIA				X
ExteNet	X			
IBEW 1245		X		
LA County Fire				X
LADWP		X		
Liberty CalPeco		X		
Mussey Grade Road Alliance			X	
PacifiCorp		X		
PG&E		X		
SED				X
SCE				X
SDG&E		X		
Small LECS				X
SMUD		X		
Sprint-Nextel	X			
T-Mobile				X
TURN				X
Frontier				X
Verizon Wireless	X			



**I. PROPOSED *REVISION TO GENERAL ORDER 95* RULE 48****A. Current Rule****48 Strength of Materials**

Structural members and their connection shall be designed and constructed so that the structures and parts thereof will not fail or be seriously distorted at any load less than their maximum working loads (developed under the current construction arrangements with loadings as specified in Rule 43) multiplied by the safety factors in Rule 44.

Values used for the strength of material shall comply with the safety factors specified in Rule 44.

Note: Revised February 5, 2014 by Decision No. 14-02-015.

**B. Proposed Revisions Shown with Strikeout/Underline****48 Strength of Materials**

Structural members and their connection shall be designed and constructed so that the structures and parts thereof will not fail or be seriously distorted at any load less than their maximum working loads (developed under the current construction arrangements with loadings as specified in Rule 43) multiplied by the safety factors in Rule 44.

Values used for the strength of material shall comply with the safety factors specified in Rule 44.

Note: Revised February 5, 2014 by Decision No. 14-02-015.

**C. Proposed Final Version****48 Strength of Materials**

Structural members and their connection shall be designed and constructed so that the structures and parts thereof will not fail or be seriously distorted at any load less than their maximum working loads (developed under the current construction arrangements with loadings as specified in Rule 43).

Values used for the strength of material shall comply with the safety factors specified in Rule 44.

Note: Revised February 5, 2014 by Decision No. 14-02-015.

## II. JUSTIFICATION

- **Specific electric utilities, CIPs, and others affected:**

This revised rule would be applicable to jurisdictional electric utilities, communication companies, and other companies owning/operating overhead electric and communication lines in California.

- **Geographic Areas where the rule will apply:**

Tier 2 and Tier 3 of the High Fire Threat District.

- **How the PR reduces or otherwise addresses fire hazards and/or risks in the High Fire-Threat District:**

Rule 48 currently includes both procedural and mathematical errors, inconsistencies and ambiguities. First, it incorrectly applies the safety factors to the maximum working loads, whereas safety factors in GO 95 are more generally applied to material or structural strength. GO 95 is based on the working strength design method. In every case (including the examples in Appendix F, Part 1 (e.g., Example 11, Transverse Loads on Crossing Poles C and D) except this rule, the safety factor reduces the strength of materials by dividing the strength by the safety factor. This PRC will have Rule 48 apply the safety factor to the material strength in the same manner as all other sections of GO 95.

Moreover, the current version of Rule 48 can be interpreted to require that the safety factor be applied twice: once to the strength of the material and once to the load. This interpretation would result in a mathematical squaring of the effective safety factor. In the case of Grade A wood pole construction this would result in an effective safety factor of 16 (i.e., 4x4), whereas the intent of GO 95, as well as sound engineering practice and many decades of California utility practice, would dictate a safety factor of 4. This too is inconsistent with the balance of the Rules in Section IV of GO 95 and the examples in Appendix F. Additionally, because the safety factor is not the same for each material, the applied load as currently defined by Rule 48 results in different applied loads for different materials. Adoption of this revised rule would remove this inconsistency.

It is imperative that these errors, inconsistencies and ambiguities be corrected. Failure to adopt this revised rule will rightfully have a chilling effect on electric utilities and CIPs willingness to objectively and proactively pursue other enhancements related to mechanical strength requirements that may aid in mitigating fire ignition risks as well as any other future enhancements, and will perpetuate known errors.

- **The estimated costs of the PR, including, if available, costs incurred by IOUs, POUs, CIPs, and customers:**

As noted above, the revised rule would correct an existing error in Rule 48, clarify interpretation of the rule, and eliminate a significant barrier to electric utilities and CIPs considering more stringent mechanical strength requirements for use in targeted areas where such requirements

could aid in mitigating fire ignition risks in a cost-effective manner. This revised rule would not affect the manner in which Rule 48 is currently applied in the design and construction of overhead facilities. Therefore, it is anticipated that any cost impacts on CIPs and electric utilities will be negligible. SDG&E understands that as the proponent of this rule it is expected to provide justification including cost benefit where possible. However, as it is not yet known where these rules will apply (Fire Map 2 is not yet finalized into Shape B, and will not be final for approximately 4 to 6 more months, per the Picker PD dated May 25, 2017) it has not been able to provide cost estimates, or cost-benefit comparisons.

o **Whether and how the costs will be recovered from customers:**

The revised rule would result in negligible cost impacts.

o **Whether and how costs will be shared among electric utilities, CIPs, and others:**

- **It is not anticipated that costs would be shared among companies. The revised rule would result in negligible cost impacts. If the PR applies to electric transmission, why the regulations does not conflict with other federal or state regulations:**

The revised rule does apply to electric transmission. No conflicts with other federal or state regulations have been identified in this proceeding.

- **The timeframe for implementing the PR:**

The revised rule should become effective immediately.

- **Why it is in the public interest to adopt the PR:**

This revised rule would correct and clarify an existing rule and eliminate a serious hindrance to implementing measures that could aid in further mitigating potential fire ignition risks. Further, if Rule 48 were to be enforced as currently written it would lead to unwarranted and unbearable impacts including the unnecessary expenditure of tens, if not hundreds of billions of dollars across the State of California in order to bring overhead lines into compliance with this errant requirement. Such costs that would eventually be borne by the public.

- **Whether the PR is exempt from the California Environmental Quality Act (CEQA) and/or the National Environmental Policy Act (NEPA) and, if so, why. Any assertion that CEQA and NEPA do not apply must cite the relevant statutes and/or regulations where the exemption is listed. Conversely, any assertion that CEQA and/or NEPA do apply must (1) cite the relevant statutes and/or regulations that show this, and (2) list the steps that need to occur under CEQA and/or NEPA before the PR can be adopted:**

This proposal is exempt from environmental review under Section 15378 of the California Environmental Quality Act (CEQA) Guidelines because it is not a “project” under CEQA and will not have any potentially significant impact on the environment. NEPA does not apply

because adoption of the proposed rule change does not constitute action by a federal agency within the meaning of 42 USC § 4332.

- **Criteria regarding (1) where the PR should apply with respect to new installations and reconstruction in the High Fire-Threat District; and (2) whether existing facilities in the High Fire-Threat District should be retrofitted or replaced to conform to the PRs. (*These criteria should include methods for: (a) Estimating the costs and safety benefits of the PRs, and (b) weighing the costs and safety benefits.*):**

This revised rule is proposed for application to all facilities in Tiers 2 and 3 of the High Fire-Threat District.

- **A detailed summary of any ancillary issues with a direct nexus to the PR:**

No ancillary issues with a direct nexus to the PR have been identified.

- **Other matters to be considered:**

No other matters to be considered have been identified.

### **III. POSITION OF PARTIES**

- **Comments in Support**

#### **Liberty CalPeco**

Liberty CalPeco supports PR-13, which seeks to correct an error in GO 95. Misapplication of safety factors results in significant over design and is extremely costly to customers. Additional strength enhancements resulting from the other PRs would further exacerbate this issue. The simple wording modification from this PR should eliminate such misapplication.

#### **The CIP Coalition**

Rule 48 is critical because it specifies the ultimate strength of materials for purposes of determining pole strength and loading safety factors. It is thus imperative that such a rule be correct. It is not. SDG&E's proposed rule properly corrects the flawed rule and should, therefore, be approved.

The CIP Coalition supports SDG&E's PRC-13 for the reasons set forth in the proponent's justification: that Rule 48's incorrect application of the safety factors to the maximum working loads rather than to material or structural strength results in a rule that is severe, mathematically incorrect, and inconsistent with both other parts of GO 95 and California utility practice.

When interpreted literally, Rule 48 requires a double application of the safety factor set forth in Rule 44 applied to the loads of Rule 43. Thus, under present wind loads, the rule results in an effective safety factor of 16 (i.e.,  $8 \text{ psf} \times 4 = 32 \text{ psf}$  with an additional safety factor of 4). That excessive safety factor result is not only contrary to recognized engineering principals and

practice, but imposes an unnecessary expense for CIPS, supply utilities, and, ultimately, for consumers.

- **Comments in Opposition**

### **MGRA**

MGRA opposes SDG&E PR-13, and the removal of the “multiply by” provision of Rule 48 at this time.

D.17-01-009, p. 56 states that: “Pursuant to D.16-05-036, the PRs may include proposals to revise the ‘multiply by’ provision in GO 95’s Rule 48, subject to the requirement in Ordering Paragraph 5 of D.14-02-015 that such proposals must be consistent with the primary purpose of this proceeding of enhancing the fire safety of overhead utility facilities.”

In D.14-12-089 at p. 4, the Commission states that:

With the exception of the modifications set forth in Consensus Proposal 13, we did not make any modifications to Rule 48 and did not intend to adopt any new standard with regard to Rule 48.3 We decided to defer consideration of any proposals to revise the “multiply by” provision of Rule 48, as well as proposals regarding how the safety factors should be applied throughout Rule 48 and its subparts, to Phase 3, Track 3 of the proceeding. (D.14-02-015, pp. 95 [Conclusion of Law 7] & 98-99 [Ordering Paragraph (“OP”) 5].)4 In Phase 3, Track 3, we intend to develop, adopt, and implement statewide fire-threat maps that accurately designate geographic areas where power-line fires are more likely to ignite and spread rapidly. (D.14-02-015, p. 68.) We expect that the fire-threat maps will allow the development of a more granular and cost-effective wind-load standard and that a blanket requirement that all facilities should be built to the same wind-load standard may not be necessary or appropriate. (D.14-02-015, p. 69.) "

As we have stated in our support of PR-11, the criteria set forth by the Commission, a “more granular and cost-effective wind load standard”, has not yet been achieved. We therefore do not support a modification to Rule 48 at this time. Furthermore, SED has not officially changed its position regarding a 112/92 mph wind loading standard. Removing the “multiply by” from Rule 48 would remove the SED assertion from future Commission consideration should our efforts to achieve a more granular and cost-effective wind load standard ultimately fail. Therefore, PR-13 violates the D.14-02-015 requirement that proposals enhance the fire safety of overhead utility facilities and should not be adopted in this rulemaking.

MGRA would only support removal of the ‘multiply by’ provision as part of a broader replacement of the wind loading standard with one that was more granular, cost-effective, and safer.

### **SED**

Section IV of General Order (GO) 95 provides the strength requirements for all classes of lines. These strength requirements are, in reality, comprised of several requirements: (1) for the strength of materials, (2) defining applicable load cases, and (3) safety factors for various line elements and construction configurations. As such, many of the rules identified in Section IV of

GO 95 are inter-related. This is because compliance with many GO 95, Section IV requirements can only be determined following the completion of loading calculations, which rely upon the relationships and impacts the above-identified three (3) types of requirements have upon each other for a given design. For example, changing the applicable “Light Loading District” load case from 8 psf to 8.8 psf ( $8 \text{ psf} \times 1.1 = 8.8 \text{ psf}$ ), as proposed in PR 10, would necessitate conducting an updated pole loading calculation to determine if a pole impacted by that change was still in compliance with GO 95, Section IV strength and safety factor requirements. This inter-dependency is further solidified as GO 95, Rule 48, the subject of PR 13, itself contains references to both Rules 43 and 44. Additionally, this issue further complicated by the requirements in GO 95, Rules 12.2 and 12.3, which uniquely identify safety factor requirements as always applicable retroactively. Because the safety factor is a value only determined following the conclusion of a loading calculation that relies on applying strength and loading requirements specified in other Section IV rules, SED contends that any changes which would alter/impact how the safety factor is determined (e.g. changes in loading or strength requirements) shall also be applied retroactively, consistent with the requirements of GO 95, Rules 12.2 and 12.3. Accordingly, SED asserts that changes to any one of the above-identified requirements cannot and should not be assessed without a full understanding of the ancillary ramifications, so that public safety is not compromised.

By SDG&E’s own admission, in the justification for PR 10, both PR 10 and PR 13 are inter-related. Accordingly, the PR 10 justification indicates that SDG&E’s support for PR 10 is contingent upon the Commission’s adoption of the changes to GO 95, Rule 48 proposed in SDG&E’s PR 13. As can be gleaned from SDG&E’s insistence that changes proposed in PR 10 are contingent upon the changes proposed in PR 13 being adopted by the Commission, strength, loading, and safety factor requirements all have inter-dependency, as described above. Consequently, any changes made to existing load cases, strength requirements, or safety factor requirements would inevitably have ramifications on the manner in which poles are designed and their compliance with the requirements of GO 95, Section IV rules.

PR 13 addresses changes to General Order (GO) 95, Rule 48. Specifically, PR 13 proposes the removal of the “multiplied by” clause in Rule 48. In Decision (D.)14-02-015 in Rulemaking (R.)08-11-005, when evaluating several proposals to change GO 95, Rule 48, the Commission determined that “the ‘will not fail’ provision in Rule 48 serves a vital role in protecting the public from fire hazards.” (@ p. 65) Consequently, changes to the “will not fail” provision were ruled out of scope for R.15-05-006. It is important to note, however, that the “will not fail” provision is not an absolute standard, but is actually in reference to a performance standard established just thereafter. This performance standard reads “will not fail or be seriously distorted *at any load less than their maximum working loads (developed under the current construction arrangements with loadings as specified in Rule 43) multiplied by the safety factors in Rule 44.*” (Emphasis added) PR 13 proposes eliminating the “multiplied by the safety factors in Rule 44” provision from Rule 48. Doing so represents a substantial decrease to the compliance threshold at which the “will not fail” provision in Rule 48 is currently enforced. For example, if adopted, PR 13 would decrease the load at which wood poles of Grade A construction in the Light Loading District are permitted to fail, from SED’s current interpretation and enforcement threshold of 21.4 psf ( $8 \text{ psf} \times 2.67 = 21.4$ ) statewide to only 8.8 psf ( $8 \text{ psf} \times 1.1 = 8.8$ ) in Tiers 2 and 3 of the HFTD and 8 psf everywhere else in the state. It should be noted that

in the above calculations, 2.67 represents the minimum safety factor value at which facilities (of Grade A construction) must be replaced or reinforced, in accordance with GO 95, Rule 44.3 and 1.1 represents the “wind load factor” proposed in PR 10. When converted from wind pressure to wind speed, the changes proposed in PR 13, coupled with the changes proposed in PR 10, would effectively reduce the wind speed at which facilities in Tiers 2 and 3 of the HFTD are permitted to fail from approximately 92 mph to less than 59 mph. Outside of Tiers 2 and 3 of the HFTD, similar facilities would be permitted to fail at any wind loads above 56 mph. This change would represent a 35-40 percent reduction in the current enforcement standard. As such, SED does not believe that these proposed changes are in line with the intent and purpose of this proceeding to increase existing safety standards. Furthermore, SED contends that when evaluating the changes proposed in PRs 10 and 13 together, the net effect constitutes a significant decrease in public safety. For the reasons stated above, SED opposes PR 13.

**Final Vote:**

<b>PARTIES</b>	<b>NOT PRESENT</b>	<b>YES</b>	<b>NEUTRAL</b>	<b>NO</b>
AT&T		X		
BVES		X		
CALTEL	X			
CCTA		X		
CFBF	X			
Charter Comm.		X		
City of Laguna Beach			X	
CMUA		X		
Comcast		X		
Consolidated Comm.		X		
Cox Comm.		X		
Crown Castle		X		
CTIA		X		
ExteNet	X			
IBEW 1245		X		
LA County Fire				X
LADWP		X		
Liberty CalPeco		X		
Mussey Grade Road Alliance				X
PacifiCorp		X		
PG&E		X		
SED				X
SCE		X		
SDG&E		X		
Small LECS		X		
SMUD		X		
Sprint-Nextel	X			
T-Mobile		X		
TURN			X	
Frontier		X		
Verizon Wireless	X			



**I. PROPOSED *NEW* GENERAL ORDER 95, RULE 53.5****A. Current Rule**

None.

**B. Proposed Revised Rule Shown with Strikeout/Underline****53.5 Burning of Supports - Circuits of More than 7,500 Volts**

In Tier 3 of the High Fire Threat District, precautions shall be taken to guard against leakage current burning wood parts of the supporting structure.

**C. Proposed Final Version****53.5 Burning of Supports - Circuits of More than 7,500 Volts**

In Tier 3 of the High Fire Threat District, precautions shall be taken to guard against leakage current burning wood parts of the supporting structure.

**PR: 14 Ancillary Change-1 PROPONENT: PG&E****I. PROPOSED *REVISION TO* GENERAL ORDER 95, SECTION V, TABLE OF CONTENTS****A. Current Version**

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## II. JUSTIFICATION

- **Specific electric utilities, CIPs, and others affected:**

This rule would apply to all utilities operating electric supply lines of more than 7,500 volts in Tier 3 areas.

- **Geographic Areas where the rule will apply:**

The new rule would apply to northern and southern California in areas designated as Tier 3 of the High Fire Threat District.

- **How the PR reduces or otherwise addresses fire hazards and/or risks in the High Fire-Threat District:**

It is recognized that “leakage” currents over contaminated insulators are rare and intermittent in nature. However, the combination of insulator contamination and moisture levels in the wood may result in these leakage currents traveling along the surface of a crossarm and across the through bolt between the crossarm and the pole, causing the crossarm and/or pole to burn. This PR will reduce the potential for fire ignitions due to burning of structure supports, crossarms and/or poles, caused by leakage currents. This PR expands the requirements in Rules 103.1B and 113.1B to Section 5 Rule 53 and all Tier 3 areas. This PR will help ensure consistency in the Tier 3 areas in northern and southern California as depicted in the CPUC’s Fire Threat Map.

- **The estimated costs of the PR, including, if available, costs incurred by IOUs, POUs, CIPs, and customers:**

The total cost impacts of this rule for Tier 3 are unknown as the CPUC’s Fire Threat Map has not been completed. However, in new construction and reconstruction, the cost impacts on an individual pole should be small relative to the cost of other work. For a typical pole replacement job, bonding hardware to prevent leakage could add 10-15 minutes of work for one crew member. For a replacement pole job costing approximately \$15,000, the added cost to install leakage prevention hardware would be less than \$100.

- o **Whether and how the costs will be recovered from customers:**

With respect to costs incurred, the investor-owned utilities (IOUs) may track and recover costs associated with implementing the new rule in the same manner as was approved by the Commission in Phase 3, Track 1 and 2 of Rulemaking (R.) 08-11-005.<sup>29</sup> Companies that are not rate-of-return regulated entities may recover costs in any legally permissible manner, including through line-item charges or increased fees for services.

- o **Whether and how costs will be shared among electric utilities, CIPs, and others:**

Costs will be borne by the owner of the electric supply line.

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<sup>29</sup> D.14-02-015.

- **If the PR applies to electric transmission, why the regulations does not conflict with other federal or state regulations:**

This PR does not conflict with State or Federal regulations as it seeks to expand applicability of existing GO 95 Rules for crossing spans to Tier 3 areas as defined on the CPUC Fire Threat Map.

- **The timeframe for implementing the PR:**

The new rule should become effective 12 months after the Commission adopts a new Fire-Threat Map.

- **Why it is in the public interest to adopt the PR:**

This PR would reduce the potential for fire ignitions in areas with extreme fire risk.

- **Whether the PR is exempt from the California Environmental Quality Act (CEQA) and/or the National Environmental Policy Act (NEPA) and, if so, why. Any assertion that CEQA and NEPA do not apply must cite the relevant statutes and/or regulations where the exemption is listed. Conversely, any assertion that CEQA and/or NEPA do apply must (1) cite the relevant statutes and/or regulations that show this, and (2) list the steps that need to occur under CEQA and/or NEPA before the PR can be adopted:**

This PR is exempt from environmental review under Section 15378 of the California Environmental Quality Act (CEQA) Guidelines because it is not a “project” under CEQA and will not have any potentially significant impact on the environment. NEPA does not apply because adoption of the proposed rule change does not constitute action by a federal agency within the meaning of 42 USC § 4332.

- **Criteria regarding (1) where the PR should apply with respect to new installations and reconstruction in the High Fire-Threat District; and (2) whether existing facilities in the High Fire-Threat District should be retrofitted or replaced to conform to the PRs. *(These criteria should include methods for: (a) Estimating the costs and safety benefits of the PRs, and (b) weighing the costs and safety benefits.):***

The PR if adopted would apply to new installations and reconstructed facilities and would not require retrofitting existing facilities.

- **A detailed summary of any ancillary issues with a direct nexus to the PR:**

The addition of the new rule includes ancillary changes to Section V table of contents (see Ancillary Change-1) and to the GO 95 index (see Ancillary Change-2) above. (Similar GO 95 rules should be reviewed by the GO 95/128 Rule Committee.)

- **Other matters to be considered:**

None

### III. POSITION OF PARTIES

- **Comments in Support**

#### **IBEW 1245**

IBEW 1245 supports PR 14. Pole fires due to high voltage leakage and tracking rarely result in the total failure of the pole or the wooden cross arm. (The pole or cross arm is replaced if the burn damage is significant.) If wooden cross arm supports fail the probable cross phasing or phase to ground (equipment or conductor neutrals) creates intense heat and conductor disintegration resulting in molten copper or aluminum falling to the ground. PR 14 will help reduce this kind of failure.

- **Comments in Opposition**

#### **Liberty CalPeco**

Given the uncertainty of the final Tier 3 map boundaries, it is impossible to determine how costly or feasible the implementation of PR-14 will be in Liberty CalPeco's service territory. Thus, Liberty CalPeco withholds its support of PR-14, until the final Tier 3 map boundary has been reviewed.

#### **SED**

PR 14 proposes to add a new rule, Rule 53.5, to General Order (GO) 95 with the intent of guarding against the burning of wood parts. While the intent of PR 14 is noble, the actual language of the PR misses the mark. The only requirement of this new rule is for utilities who operate lines in excess of 7,500 Volts (V) to "take precautions" to guard against leakage current burning wood parts of a support structure. This PR does not attempt to define what types of precautions should be taken or what would constitute a precautionary action. Not only is the proposed language unenforceable, it introduces additional unnecessary ambiguity into GO 95. Furthermore, this issue is magnified because the PR intimates that these precautionary measures should only be taken for lines in Tier 3 of the High Fire Threat District (HFTD) which exceed 7,500 V. However, SED contends that precautionary measures against the burning of wood parts of a support structure should **always** be taken, regardless of HFTD designation, in compliance with the requirements of GO 95, Rule 31.1. The requirements presented in PR 14 do not expand upon or enhance the existing requirements in GO 95, Rule 31.1. In fact, SED argues that PR 14 can be interpreted as reducing existing safety requirements in that it infers that precautionary measures against the burning of wood parts are not needed outside of Tier 3 of the HFTD. As such, SED concludes that the requirements in PR 14 are duplicative with the broader requirements of GO 95, Rule 31.1, establish language which is unenforceable, unnecessarily introduces additional ambiguous requirements (e.g. taking precautionary measures) into GO 95, and can potentially be interpreted in a manner which could significantly reduce safety. For the reasons stated above, SED opposes PR 14.

- **Final Vote:**

<b>PARTIES</b>	<b>NOT PRESENT</b>	<b>YES</b>	<b>NEUTRAL</b>	<b>NO</b>
AT&T			X	
BVES			X	
CALTEL	X			
CCTA			X	
CFBF	X			
Charter Comm.			X	
City of Laguna Beach			X	
CMUA		X		
Comcast			X	
Consolidated Comm.			X	
Cox Comm.			X	
Crown Castle			X	
CTIA			X	
ExteNet	X			
IBEW 1245		X		
LA County Fire				X
LADWP		X		
Liberty CalPeco			X	
Mussey Grade Road Alliance			X	
PacifiCorp		X		
PG&E		X		
SED				X
SCE		X		
SDG&E		X		
Small LECS			X	
SMUD		X		
Sprint-Nextel	X			
T-Mobile			X	
TURN				X
Frontier			X	
Verizon Wireless	X			

**I. PROPOSED *REVISION TO GENERAL ORDER 95 RULE 80.1*****A. Current Rule****A. Patrol and Detailed Inspections****(1) Inspection Requirements for Joint-Use Poles in High Fire-Threat Areas**

In high fire-threat areas, the inspection intervals for (i) Communication Lines located on Joint Use Poles (See Rule 21.8) that contain Supply Circuits (See Rule 20.6-D), and (ii) Communication Lines attached to a pole that is within three spans of a Joint Use Pole with Supply Circuits, shall not exceed the time specified in the following Table.

<b>Inspection</b>	<b>Northern California</b>	<b>Southern California</b>
Patrol	2 Years	1 Year
Detailed	10 Years	5 Years

Inspection intervals shall be conducted more frequently than shown in the above table, if necessary, based on the five factors listed in Rule 80.1-A2, below.

For the purpose of implementing the patrol and detailed inspection intervals in the above Table in the high fire-threat areas of the state, the term “year” is defined as 12 consecutive calendar months starting the first full calendar month after an inspection is performed, plus three full calendar months, not to exceed the end of the calendar year in which the next inspection is due. A required inspection may be completed any time before the expiration of the associated inspection interval using this definition of “year,” but not after. The completion of an inspection starts a new inspection interval that must be completed within the prescribed timeframe using this definition of “year.” However, inspection intervals may be extended by up to six months in areas where the Governor of California or the President of the United States has declared an emergency or a disaster following a major earthquake or other catastrophe using the procedure set forth in Decision 13-06-011 issued in Rulemaking 08-11-005. The extension shall not exceed six months from the date that an emergency is declared or the date that a disaster is declared, whichever is earlier.

For the purpose of the above Table, the high fire-threat areas in Northern California are areas designated as Threat Classes 3 and 4 on the Reax Map adopted by Decision 12- 01-032 issued in Phase 2 of Rulemaking 08-11-005.

For the purpose of implementing the patrol and detailed inspection intervals in the above Table in the high fire-threat areas of the state, the term “year” is defined as 12 consecutive calendar months starting the first full calendar month after an

inspection is performed, plus or minus two full calendar months, not to exceed the end of the calendar year in which the next inspection is due.

The FRAP Map and Reax Map are to be used to establish approximate boundaries. Communications Infrastructure Providers should use their own expertise and judgment to determine if local conditions require them to adjust the boundaries of the map.

Inspections in high fire-threat areas shall be planned and conducted in accordance with the statewide inspection requirements and procedures described in Rule 80.1-A2, below.

Each company's procedures shall describe (i) the methodology used to ensure that all Communication Lines are subject to the required inspections, and (ii) the procedures used for specifying what problems should be identified by the inspections. The procedures used for specifying what problems should be identified by the inspections shall include a checklist for patrol inspections.

## **(2) Statewide Inspection Requirements**

Each company shall prepare, follow, and modify as necessary, procedures for conducting patrol or detailed inspections for all of its Communication Lines throughout the State. Consistent with Rule 31.2, the type, frequency and thoroughness of inspections shall be based upon the following factors:

- Fire threat
- Proximity to overhead power line facilities
- Terrain
- Accessibility
- Location

Each company that discovers a safety hazard on or near a communications facility or electric facility involving another company while performing inspections of its own facilities pursuant to this rule shall notify the other company and/or facility owner of such safety hazard in accordance with Rule 18(B).

Each company's procedures shall describe (i) the methodology used to ensure that all Communication Lines are subject to the required inspections, and (ii) the procedures used for specifying what problems should be identified by the inspections. The procedures used for specifying what problems should be identified by the inspections shall include a checklist for patrol inspections.

## **(3) Definitions**

**Detailed Inspections** - For the purpose of this rule, Detailed Inspection shall be defined as a careful visual inspection of Communication facilities and structures

using inspection tools such as binoculars and measuring devices, as appropriate. Detailed inspections may be carried out in the course of other company business.

**Patrol Inspections** - For the purpose of this rule, Patrol Inspection shall be defined as a simple visual inspection, of applicable communications facilities equipment and structures that is designed to identify obvious structural problems and hazards. Patrol inspections may be carried out in the course of other company business.

**(4) Record Keeping**

Each company shall maintain records for at least ten (10) years that provide the following information for each facility subject to this rule: The location of the facility, the date of each inspection of the facility, the results of each inspection, the personnel who performed each inspection, the date and description of each corrective action, and the personnel who performed each correction action. Commission staff shall be permitted to inspect records consistent with Public Utilities Code Section 314 (a).

**B. Proposed Revisions Shown with Strikeout/Underline**

**A. Patrol and Detailed Inspections**

**(1) Inspection Requirements for Joint-Use Poles in High Fire-Threat DistrictAreas**

In ~~high Tiers 2 and 3 fire-threat areas~~, the inspection intervals for (i) Communication Lines located on Joint Use Poles (See Rule 21.8) that contain Supply Circuits (See Rule 20.6-D), and (ii) Communication Lines attached to a pole that is within three spans of a Joint Use Pole with Supply Circuits, shall not exceed the time specified in the following Table.

Inspection	<del>Northern California</del> <b><u>Tier 2</u></b>	<del>Southern California</del> <b><u>Tier 3</u></b>
Patrol	2 Years	1 Year
Detailed	<del>10</del> <b><u>8</u></b> Years	5 Years

Inspection intervals shall be conducted more frequently than shown in the above table, if necessary, based on the five factors listed in Rule 80.1-A2, below.

For the purpose of implementing the patrol and detailed inspection intervals in the above Table ~~in the high fire-threat areas of the state~~, the term “year” is defined as 12 consecutive calendar months starting the first full calendar month after an inspection is performed, plus three full calendar months, not to exceed the end of the calendar year in which the next inspection is due. A required inspection may be completed any time before the expiration of the associated inspection interval using this definition of “year,” but not after. The completion of an inspection starts a new inspection interval that must be completed within the prescribed



timeframe using this definition of “year.” However, inspection intervals may be extended by up to six months in areas where the Governor of California or the President of the United States has declared an emergency or a disaster following a major earthquake or other catastrophe using the procedure set forth in Decision 13-06-011 issued in Rulemaking 08-11-005. The extension shall not exceed six months from the date that an emergency is declared or the date that a disaster is declared, whichever is earlier.

For the purpose of the above Table, the high fire-threat areas in ~~Northern~~ California are areas designated as Tiers 2 and 3 of the High Fire Threat District Threat Classes 3 and 4 on the Reax Map adopted by Decision 12-01-032 issued in Phase 2 of Rulemaking 08-11-005.

~~For the purpose of implementing the patrol and detailed inspection intervals in the above Table in the high fire-threat areas of the state, the term “year” is defined as 12 consecutive calendar months starting the first full calendar month after an inspection is performed, plus or minus two full calendar months, not to exceed the end of the calendar year in which the next inspection is due.~~

~~The FRAP Map and Reax Map are to be used to establish approximate boundaries.~~ Communications Infrastructure Providers should use their own expertise and judgment to determine if local conditions require them to adjust the boundaries of the map.

~~Inspections in high fire-threat areas~~ shall be planned and conducted in accordance with the statewide inspection requirements and procedures described in Rule 80.1-A2, below.

Each company’s procedures shall describe (i) the methodology used to ensure that all Communication Lines are subject to the required inspections, and (ii) the procedures used for specifying what problems should be identified by the inspections. The procedures used for specifying what problems should be identified by the inspections shall include a checklist for patrol inspections.

## **(2) Statewide Inspection Requirements**

Each company shall prepare, follow, and modify as necessary, procedures for conducting patrol or detailed inspections for all of its Communication Lines throughout the State. Consistent with Rule 31.2, the type, frequency and thoroughness of inspections shall be based upon the following factors:

- Fire threat
- Proximity to overhead power line facilities
- Terrain
- Accessibility
- Location

Each company that discovers a safety hazard on or near a communications facility or electric facility involving another company while performing inspections of its own facilities pursuant to this rule shall notify the other company and/or facility owner of such safety hazard in accordance with Rule 18(B).

Each company's procedures shall describe (i) the methodology used to ensure that all Communication Lines are subject to the required inspections, and (ii) the procedures used for specifying what problems should be identified by the inspections. The procedures used for specifying what problems should be identified by the inspections shall include a checklist for patrol inspections.

**(3) Definitions**

**Detailed Inspections** - For the purpose of this rule, Detailed Inspection shall be defined as a careful visual inspection of Communication facilities and structures using inspection tools such as binoculars and measuring devices, as appropriate. Detailed inspections may be carried out in the course of other company business.

**Patrol Inspections** - For the purpose of this rule, Patrol Inspection shall be defined as a simple visual inspection, of applicable communications facilities equipment and structures that is designed to identify obvious structural problems and hazards. Patrol inspections may be carried out in the course of other company business.

**(4) Record Keeping**

Each company shall maintain records for at least ten (10) years that provide the following information for each facility subject to this rule: The location of the facility, the date of each inspection of the facility, the results of each inspection, the personnel who performed each inspection, the date and description of each corrective action, and the personnel who performed each correction action. Commission staff shall be permitted to inspect records consistent with Public Utilities Code Section 314 (a).

**C. Proposed Final Version**

**A. Patrol and Detailed Inspections**

**(1) Inspection Requirements for Joint-Use Poles in High Fire-Threat District**

In Tiers 2 and 3, the inspection intervals for (i) Communication Lines located on Joint Use Poles (See Rule 21.8) that contain Supply Circuits (See Rule 20.6-D), and (ii) Communication Lines attached to a pole that is within three spans of a Joint Use Pole with Supply Circuits, shall not exceed the time specified in the following Table.

Inspection	Tier 2	Tier 3
Patrol	2 Years	1 Year
Detailed	8 Years	5 Years

Inspection intervals shall be conducted more frequently than shown in the above table, if necessary, based on the five factors listed in Rule 80.1-A2, below.

For the purpose of implementing the patrol and detailed inspection intervals in the above Table, the term “year” is defined as 12 consecutive calendar months starting the first full calendar month after an inspection is performed, plus three full calendar months, not to exceed the end of the calendar year in which the next inspection is due. A required inspection may be completed any time before the expiration of the associated inspection interval using this definition of “year,” but not after. The completion of an inspection starts a new inspection interval that must be completed within the prescribed timeframe using this definition of “year.” However, inspection intervals may be extended by up to six months in areas where the Governor of California or the President of the United States has declared an emergency or a disaster following a major earthquake or other catastrophe using the procedure set forth in Decision 13-06-011 issued in Rulemaking 08-11-005. The extension shall not exceed six months from the date that an emergency is declared or the date that a disaster is declared, whichever is earlier.

For the purpose of the above Table, the high fire-threat areas in California are areas designated as Tiers 2 and 3 of the High Fire Threat District.

Communications Infrastructure Providers should use their own expertise and judgment to determine if local conditions require them to adjust the boundaries of the map.

Inspections shall be planned and conducted in accordance with the statewide inspection requirements and procedures described in Rule 80.1-A2, below.

Each company’s procedures shall describe (i) the methodology used to ensure that all Communication Lines are subject to the required inspections, and (ii) the procedures used for specifying what problems should be identified by the inspections. The procedures used for specifying what problems should be identified by the inspections shall include a checklist for patrol inspections.

## **(2) Statewide Inspection Requirements**

Each company shall prepare, follow, and modify as necessary, procedures for conducting patrol or detailed inspections for all of its Communication Lines throughout the State. Consistent with Rule 31.2, the type, frequency and thoroughness of inspections shall be based upon the following factors:

- Fire threat

- Proximity to overhead power line facilities
- Terrain
- Accessibility
- Location

Each company that discovers a safety hazard on or near a communications facility or electric facility involving another company while performing inspections of its own facilities pursuant to this rule shall notify the other company and/or facility owner of such safety hazard in accordance with Rule 18(B).

Each company's procedures shall describe (i) the methodology used to ensure that all Communication Lines are subject to the required inspections, and (ii) the procedures used for specifying what problems should be identified by the inspections. The procedures used for specifying what problems should be identified by the inspections shall include a checklist for patrol inspections.

### **(3) Definitions**

**Detailed Inspections** - For the purpose of this rule, Detailed Inspection shall be defined as a careful visual inspection of Communication facilities and structures using inspection tools such as binoculars and measuring devices, as appropriate. Detailed inspections may be carried out in the course of other company business.

**Patrol Inspections** - For the purpose of this rule, Patrol Inspection shall be defined as a simple visual inspection, of applicable communications facilities equipment and structures that is designed to identify obvious structural problems and hazards. Patrol inspections may be carried out in the course of other company business.

### **(4) Record Keeping**

Each company shall maintain records for at least ten (10) years that provide the following information for each facility subject to this rule: The location of the facility, the date of each inspection of the facility, the results of each inspection, the personnel who performed each inspection, the date and description of each corrective action, and the personnel who performed each correction action. Commission staff shall be permitted to inspect records consistent with Public Utilities Code Section 314 (a).

## **II. JUSTIFICATION**

- **Specific electric utilities, CIPs, and others affected:**

All utilities will be affected but there will be a greater impact on the CIPs.

- **Geographic Areas where the rule will apply:**

This will apply to Tiers 2 and 3 of the High Fire Threat District.

- **How the PR reduces or otherwise addresses fire hazards and/or risks in the High Fire-Threat District:**

This will ensure that every facility in Tier 2 and 3 will be looked at by each responsible entity that has facilities in those areas. By conducting routine patrols and inspections will allow the CIPs to properly assess their system and mitigate against fire risks that may occur. This proposed PR will more closely align with General Order 165 but is still not as stringent.

- **The estimated costs of the PR, including, if available, costs incurred by IOUs, POUs, CIPs, and customers:**

SDG&E understands that as the proponent of this rule it is expected to provide justification including cost benefit where possible. However, as it is not yet known where these rules will apply (Fire Map 2 is not yet finalized into Shape B, and will not be final for approximately 4 to 6 more months, per the Picker PD dated May 25, 2017) it has not been able to provide cost estimates, or cost-benefit comparisons. It is difficult to estimate a total cost as it will vary from company to company depending on how many structures a company has in Tier 2 & Tier 3 areas and the number of inspections and patrols that are required.

For a cost calculation demonstration factoring labor time, salary of employee, and vehicle/fuel costs at most one can anticipate an average of \$3.00 per facility. If a company is required to inspect/patrol an additional 500,000 facilities, they can expect to spend approximately 1.5 million.

It is understood that the operational costs will rise as more inspections and patrols are required but we believe they are substantiated by the fire prevention they will provide.

- o **Whether and how the costs will be recovered from customers:**

To the extent there are costs associated with implementing this PR, entities will either recover them through the appropriate Commission cost recovery procedures if they are rate regulated or, if not, they will absorb the costs or pass them on to consumers.

- o **Whether and how costs will be shared among electric utilities, CIPs, and others:**

Not anticipated to result in shared costs.

- **If the PR applies to electric transmission, why the regulations does not conflict with other federal or state regulations:**

This PR is mainly applied to CIP facilities and is not anticipated to deal with electric transmission.

- **The timeframe for implementing the PR:**

Due to the increased operational cost and planning that will be required, the rule should be implemented 12 months from the date the High Fire Threat Map is adopted.

- **Why it is in the public interest to adopt the PR:**

It is in the public interest to reduce fire risks as soon as possible especially during an area's designated fire season which is the period that poses the highest probability of a catastrophic fire event. By mandating more stringent inspection cycles to identify such risks it will minimize the risk of another catastrophic fire event occurring and increase public safety.

- **Whether the PR is exempt from the California Environmental Quality Act (CEQA) and/or the National Environmental Policy Act (NEPA) and, if so, why. Any assertion that CEQA and NEPA do not apply must cite the relevant statutes and/or regulations where the exemption is listed. Conversely, any assertion that CEQA and/or NEPA do apply must (1) cite the relevant statutes and/or regulations that show this, and (2) list the steps that need to occur under CEQA and/or NEPA before the PR can be adopted:**

This proposal is exempt from environmental review under Section 15378 of the California Environmental Quality Act (CEQA) Guidelines because it is not a "project" under CEQA and will not have any potentially significant impact on the environment. NEPA does not apply because adoption of the proposed rule change does not constitute action by a federal agency within the meaning of 42 USC § 4332.

- **Criteria regarding (1) where the PR should apply with respect to new installations and reconstruction in the High Fire-Threat District; and (2) whether existing facilities in the High Fire-Threat District should be retrofitted or replaced to conform to the PRs. *(These criteria should include methods for: (a) Estimating the costs and safety benefits of the PRs, and (b) weighing the costs and safety benefits.)*:**

The PR should apply to both new and existing facilities that are in the Tier 2 and Tier 3 of the High Fire-Threat District. Since the PR is impacting inspection of facilities, it applies to all facilities in those areas.

- **A detailed summary of any ancillary issues with a direct nexus to the PR:**

There are no other ancillary issues known at this time.

- **Other matters to be considered:**

N/A

### III. POSITION OF PARTIES

- **Comments in Support**

#### **IBEW 1245**

IBEW 1245 supports this rule. Increased inspection will definitely decrease overhead facility associated fires. IBEW 1245 believes increased inspection activity in Tier 2 and 3 of the HFTD will identify potential problems and help reduce or eliminate fires caused by overhead utility facilities.

#### **SED**

All four (4) PRs and APs identified above address changes to GO 95, Rule 80.1A and are thus related. PR 16, as is the case with all FSTP-sponsored PRs, is simply a literal interpretation of the instructions in Decision (D.) 17-01-009. In other words, all FSTP PRs only update the map reference from the interim maps to the new statewide Fire Threat Map, and convert the applicable area of the specific rule from certain tiers/zones on the interim map(s) to Tier 3 of the High Fire Threat District (HFTD), as directed by Ordering Paragraph (OP) 10 in D.17-01-009. PR 16-AP1 keeps the updated map reference changes from PR 16, however also eliminates a northern/southern California delineation which carried over from the predecessor proceeding (i.e. R.08-11-005). PR 16-AP2 aligns with the changes in PR 16-AP1, however, this PR expands the scope for communication infrastructure inspections to Tier 2 of the HFTD as well. PR 16-AP2 proposes five (5) year and 15 year inspection cycles for patrol and detailed inspections, respectively, in Tier 2. PR 15 makes changes identical to PR 16-AP2, but increases the frequency for patrol and detailed inspections in Tier 2 to two (2) and eight (8) years, respectively.

Tier 2, as described in D.17-01-009, identifies areas throughout the state where there is an “elevated” risk for a catastrophic wildfire event, given an ignition sparked by overhead utility facilities. These areas of “elevated” fire risk are identified and developed by the state’s own fire agency (i.e. CAL FIRE), a group of independent subject matter experts under CAL FIRE’s direction, and with extensive consultation and input from utility experts and stakeholder experts. As such, SED contends that these Tier 2 areas, identified as having an “elevated” risk of catastrophic wildfire, certainly warrant some type of inspections. Neither PR 16 nor PR 16-AP1 propose any inspection requirements in Tier 2 of the HFTD and should thusly be rejected. While PR 16-AP2 proposes patrol and detailed inspections in Tier 2 of the HFTD by mandating five (5) and 15 year patrol and detailed inspection intervals, respectively, in SED’s opinion these intervals are far too infrequent and could have potentially disastrous ramifications for public safety.

For the reasons stated above and those described in the justification section of PR 15, SED concludes that among the four (4) proposed revisions to GO 95, Rule 80.1A, PR 15 is most closely aligned with the intent and goals of this proceeding.

- **Comments in Opposition**

### **Liberty CalPeco**

Liberty CalPeco generally supports the inspection intervals contained in PR-15 for Tier 2 and Tier 3. However, PR-15 maintains language that CIPs have discretion to adjust the boundaries of the map, which Liberty CalPeco does not support.

### **The CIP Coalition**

The CIP Coalition does not support PR-15, which seeks to substantially increase CIP's inspection requirements. Rather, the CIP Coalition supports PR-16 AP-1 which amplifies those requirements in a manner consistent with the intent of this proceeding -- *i.e.*, enhanced regulation in areas with the highest fire risk.

PR-15 would seek to impose an across-the-board two year patrol inspection cycle and an eight year detailed inspection cycle on CIP infrastructure located in Tier 2. Given the information currently available to the CIP Coalition, Tier 2 will encompass a vast majority of the state of California. Thus the result of PR-15 will be to impose these inspection cycles on a large percentage of CIP infrastructure with no differentiation based on the variances in geography, topography and climate of the specific area in which the infrastructure is located. Stated another way, PR-15 will require the same significant inspection requirements on facilities with a vast differential of fire risk. This will impose a substantial burden on CIP resources without any demonstrated benefit.

Moreover, the PR fails to account for the fact that CIPs are required to take "fire threat" into account when determining the frequency of their inspections. *See* Rule 80.1 (A)(2). This allows for a reasoned differentiation between inspection cycles for various facilities based on factors relevant to the facilities in question.

Cost: The estimated costs of this PR cannot be ascertained until Tiers 2 and 3 of the High Fire Threat District are defined. Once they are defined, impacted parties should be permitted to supplement the record of this proceeding with that information

### **TURN**

TURN supports the adoption of reasonable regulations to improve the safety of utility facilities. In reviewing any new or modified regulations, however, the Commission must weigh the benefits and costs of proposed changes that would have more than a de minimis cost impact on customers. There are, and always will be, many opportunities to improve safety, but ratepayer funds are limited and must not be exhausted on regulatory compliance efforts that are not cost-effective. Under California law, all utility spending for any purpose, including safety, must be justified under Public Utilities Code Section 454(a) and must meet the just and reasonable standard of Section 451. The proponent of this proposed rule, however, states that a cost/benefit analysis was not performed as it is not yet known where these rules apply and that it is unable to provide detailed cost estimates or cost-benefit comparisons.



This proposed rule would modify existing inspection requirements for joint-use poles in high fire threat areas. The proposed rule would remove the distinction between northern and southern California and apply inspection cycles statewide. The proposed rule would extend the most stringent inspection requirements (Patrol every 1 year, Detailed inspection every 5 years) from just Southern California, to all of Tier 3, statewide. Additionally, the rule would expand the rules previously applied to Northern California to all of Tier 2, statewide, and would reduce the detailed inspection cycle to 8 years. SDG&E does not provide an estimate of total cost impacts, and, though the company provides a figure of \$3.00 per inspection per facility, it does not calculate the actual impact of its proposal. Furthermore, SDG&E states that operational costs will rise as more inspections and patrols are required. Given the potential for this rule to result in significant cost impacts for ratepayers, it is imperative that the Commission and parties obtain additional information on costs. As it stands now, there is insufficient information with which to determine either the cost-effectiveness or the reasonableness of this proposed rule, and TURN, therefore, opposes this proposed rule.

- **Final Vote:**

<b>PARTIES</b>	<b>NOT PRESENT</b>	<b>YES</b>	<b>NEUTRAL</b>	<b>NO</b>
AT&T				X
BVES		X		
CALTEL	X			
CCTA				X
CFBF	X			
Charter Comm.				X
City of Laguna Beach			X	
CMUA			X	
Comcast				X
Consolidated Comm.				X
Cox Comm.				X
Crown Castle				X
CTIA				X
ExteNet	X			
IBEW 1245		X		
LA County Fire		X		
LADWP				X
Liberty CalPeco			X	
Mussey Grade Road Alliance		X		
PacifiCorp				X
PG&E				X
SED		X		
SCE			X	
SDG&E		X		
Small LECS				X
SMUD		X		
Sprint-Nextel	X			
T-Mobile				X
TURN				X
Frontier				X
Verizon Wireless	X			

**I. PROPOSED *REVISION TO GENERAL ORDER 95, RULE 80.1A*****A. Current Rule****80.1 Inspection Requirements for Communication Lines:****A. Patrol and Detailed Inspections****(1) Inspection Requirements for Joint-Use Poles in High Fire-Threat Areas**

In high fire-threat areas, the inspection intervals for (i) Communication Lines located on Joint Use Poles (See Rule 21.8) that contain Supply Circuits (See Rule 20.6-D), and (ii) Communication Lines attached to a pole that is within three spans of a Joint Use Pole with Supply Circuits, shall not exceed the time specified in the following Table.

<b>Inspection</b>	<b>Northern California</b>	<b>Southern California</b>
Patrol	2 Years	1 Year
Detailed	10 Years	5 Years

Inspection intervals shall be conducted more frequently than shown in the above table, if necessary, based on the five factors listed in Rule 80.1-A2, below.

For the purpose of implementing the patrol and detailed inspection intervals in the above Table in the high fire-threat areas of the state, the term “year” is defined as 12 consecutive calendar months starting the first full calendar month after an inspection is performed, plus three full calendar months, not to exceed the end of the calendar year in which the next inspection is due. A required inspection may be completed any time before the expiration of the associated inspection interval using this definition of “year,” but not after. The completion of an inspection starts a new inspection interval that must be completed within the prescribed timeframe using this definition of “year.” However, inspection intervals may be extended by up to six months in areas where the Governor of California or the President of the United States has declared an emergency or a disaster following a major earthquake or other catastrophe using the procedure set forth in Decision 13-06-011 issued in Rulemaking 08-11-005. The extension shall not exceed six months from the date that an emergency is declared or the date that a disaster is declared, whichever is earlier.

For the purpose of the above Table, the high fire-threat areas in Northern California are areas designated as Threat Classes 3 and 4 on the Reax Map adopted by Decision 12- 01-032 issued in Phase 2 of Rulemaking 08-11-005.

For the purpose of implementing the patrol and detailed inspection intervals in the above Table in the high fire-threat areas of the state, the term “year” is defined as 12 consecutive calendar months starting the first full calendar month after an inspection is performed, plus or minus two full calendar months, not to exceed the end of the calendar year in which the next inspection is due.

The FRAP Map and Reax Map are to be used to establish approximate boundaries. Communications Infrastructure Providers should use their own expertise and judgment to determine if local conditions require them to adjust the boundaries of the map.

Inspections in high fire-threat areas shall be planned and conducted in accordance with the statewide inspection requirements and procedures described in Rule 80.1-A2, below.

Each company’s procedures shall describe (i) the methodology used to ensure that all Communication Lines are subject to the required inspections, and (ii) the procedures used for specifying what problems should be identified by the inspections. The procedures used for specifying what problems should be identified by the inspections shall include a checklist for patrol inspections.

## **(2) Statewide Inspection Requirements**

Each company shall prepare, follow, and modify as necessary, procedures for conducting patrol or detailed inspections for all of its Communication Lines throughout the State. Consistent with Rule 31.2, the type, frequency and thoroughness of inspections shall be based upon the following factors:

- Fire threat
- Proximity to overhead power line facilities
- Terrain
- Accessibility
- Location

Each company that discovers a safety hazard on or near a communications facility or electric facility involving another company while performing inspections of its own facilities pursuant to this rule shall notify the other company and/or facility owner of such safety hazard in accordance with Rule 18(B).

Each company's procedures shall describe (i) the methodology used to ensure that all Communication Lines are subject to the required inspections, and (ii) the procedures used for specifying what problems should be identified by the inspections. The procedures used for specifying what problems should be identified by the inspections shall include a checklist for patrol inspections.

**(3) Definitions**

**Detailed Inspections** - For the purpose of this rule, Detailed Inspection shall be defined as a careful visual inspection of Communication facilities and structures using inspection tools such as binoculars and measuring devices, as appropriate. Detailed inspections may be carried out in the course of other company business.

**Patrol Inspections** - For the purpose of this rule, Patrol Inspection shall be defined as a simple visual inspection, of applicable communications facilities equipment and structures that is designed to identify obvious structural problems and hazards. Patrol inspections may be carried out in the course of other company business.

**(4) Record Keeping**

Each company shall maintain records for at least ten (10) years that provide the following information for each facility subject to this rule: The location of the facility, the date of each inspection of the facility, the results of each inspection, the personnel who performed each inspection, the date and description of each corrective action, and the personnel who performed each correction action. Commission staff shall be permitted to inspect records consistent with Public Utilities Code Section 314 (a).

**B. Proposed Revisions Shown with Strikeout/Underline**

**80.1 Inspection Requirements for Communication Lines:**

**A. Patrol and Detailed Inspections**

**(1) Inspection Requirements for Joint-Use Poles in the High Fire-Threat District Areas**

In ~~high Tier 3 fire-threat areas~~, the inspection intervals for (i) Communication Lines located on Joint Use Poles (See Rule 21.8) that contain Supply Circuits (See Rule 20.6-D), and (ii) Communication Lines attached to a pole that is within three spans of a Joint Use Pole with Supply Circuits, shall not exceed the time specified in the following Table.

Inspection	Northern California	Southern
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		California
Patrol	2 Years	1 Year
Detailed	10 Years	5 Years

Inspections ~~intervals and~~ shall be conducted more frequently than shown in the above table, if necessary, based on the five factors listed in Rule 80.1-A2, below.

For the purpose of implementing the patrol and detailed inspection intervals in the above Table ~~in the high fire threat areas of the state~~, the term “year” is defined as 12 consecutive calendar months starting the first full calendar month after an inspection is performed, plus three full calendar months, not to exceed the end of the calendar year in which the next inspection is due. A required inspection may be completed any time before the expiration of the associated inspection interval using this definition of “year,” but not after. The completion of an inspection starts a new inspection interval that must be completed within the prescribed timeframe using this definition of “year.” However, inspection intervals may be extended by up to six months in areas where the Governor of California or the President of the United States has declared an emergency or a disaster following a major earthquake or other catastrophe using the procedure set forth in Decision 13-06-011 issued in Rulemaking 08-11-005. The extension shall not exceed six months from the date that an emergency is declared or the date that a disaster is declared, whichever is earlier.

For the purpose of the above Table, ~~the high Tier 3 fire threat areas in Northern California is~~ are areas designated as Threat Classes 3 and 4 on the Reax Map adopted by Decision 12-01-032 issued in Phase 2 of Rulemaking 08-11-005 those identified in the CPUC’s Fire Threat Map. “Southern California” is defined as the following: Imperial, Los Angeles, Orange, Riverside, Santa Barbara, San Bernardino, San Diego, and Ventura Counties. “Northern California” is defined as all other counties in California.

~~For the purpose of implementing the patrol and detailed inspection intervals in the above Table in the high fire threat areas of the state, the term “year” is defined as 12 consecutive calendar months starting the first full calendar month after an inspection is performed, plus or minus two full calendar months, not to exceed the end of the calendar year in which the next inspection is due.~~

~~The FRAP Map and Reax Map are to be used to establish approximate boundaries. Communications Infrastructure Providers should use their own expertise and judgment to determine if local conditions require them to adjust the boundaries of the map.~~

Inspections in ~~high Tier 3 fire threat areas~~ shall be planned and conducted in accordance with the statewide inspection requirements and procedures described in Rule 80.1-A2, below.

~~Each company's procedures shall describe (i) the methodology used to ensure that all Communication Lines are subject to the required inspections, and (ii) the procedures used for specifying what problems should be identified by the inspections. The procedures used for specifying what problems should be identified by the inspections shall include a checklist for patrol inspections.~~

## **(2) Statewide Inspection Requirements**

Each company shall prepare, follow, and modify as necessary, procedures for conducting patrol or detailed inspections for all of its Communication Lines throughout the State. Consistent with Rule 31.2, the type, frequency and thoroughness of inspections shall be based upon the following factors:

- Fire threat
- Proximity to overhead power line facilities
- Terrain
- Accessibility
- Location

Each company that discovers a safety hazard on or near a communications facility or electric facility involving another company while performing inspections of its own facilities pursuant to this rule shall notify the other company and/or facility owner of such safety hazard in accordance with Rule 18(B).

Each company's procedures shall describe (i) the methodology used to ensure that all Communication Lines are subject to the required inspections, and (ii) the procedures used for specifying what problems should be identified by the inspections. The procedures used for specifying what problems should be identified by the inspections shall include a checklist for patrol inspections.

## **(3) Definitions**

**Detailed Inspections** - For the purpose of this rule, Detailed Inspection shall be defined as a careful visual inspection of Communication facilities and structures using inspection tools such as binoculars and measuring devices, as appropriate. Detailed inspections may be carried out in the course of other company business.

**Patrol Inspections** - For the purpose of this rule, Patrol Inspection shall be defined as a simple visual inspection, of applicable communications

facilities equipment and structures that is designed to identify obvious structural problems and hazards. Patrol inspections may be carried out in the course of other company business.

**(4) Record Keeping**

Each company shall maintain records for at least ten (10) years that provide the following information for each facility subject to this rule: The location of the facility, the date of each inspection of the facility, the results of each inspection, the personnel who performed each inspection, the date and description of each corrective action, and the personnel who performed each correction action. Commission staff shall be permitted to inspect records consistent with Public Utilities Code Section 314 (a).

**C. Proposed Final Version**

**80.1 Inspection Requirements for Communication Lines:**

**A. Patrol and Detailed Inspections**

**(1) Inspection Requirements for Joint-Use Poles in the High Fire-Threat District**

In Tier 3, the inspection intervals for (i) Communication Lines located on Joint Use Poles (See Rule 21.8) that contain Supply Circuits (See Rule 20.6-D), and (ii) Communication Lines attached to a pole that is within three spans of a Joint Use Pole with Supply Circuits, shall not exceed the time specified in the following Table.

Inspection	Northern California	Southern California
Patrol	2 Years	1 Year
Detailed	10 Years	5 Years

Inspection shall be conducted more frequently than shown in the above table, if necessary, based on the five factors listed in Rule 80.1-A2, below.

For the purpose of implementing the patrol and detailed inspection intervals in the above Table, the term “year” is defined as 12 consecutive calendar months starting the first full calendar month after an inspection is performed, plus three full calendar months, not to exceed the end of the calendar year in which the next inspection is due. A required inspection may be completed any time before the expiration of the associated inspection interval using this definition of “year,” but not after. The completion of an inspection starts a new inspection interval that must be completed within the prescribed timeframe using this definition of “year.” However, inspection intervals may be extended by up to six months in



areas where the Governor of California or the President of the United States has declared an emergency or a disaster following a major earthquake or other catastrophe using the procedure set forth in Decision 13-06-011 issued in Rulemaking 08-11-005. The extension shall not exceed six months from the date that an emergency is declared or the date that a disaster is declared, whichever is earlier.

For the purpose of the above Table, “Southern California” is defined as the following: Imperial, Los Angeles, Orange, Riverside, Santa Barbara, San Bernardino, San Diego, and Ventura Counties. “Northern California” is defined as all other counties in California.

Inspections in Tier 3 shall be planned and conducted in accordance with the statewide inspection requirements and procedures described in Rule 80.1-A2, below.

## **(2) Statewide Inspection Requirements**

Each company shall prepare, follow, and modify as necessary, procedures for conducting patrol or detailed inspections for all of its Communication Lines throughout the State. Consistent with Rule 31.2, the type, frequency and thoroughness of inspections shall be based upon the following factors:

- Fire threat
- Proximity to overhead power line facilities
- Terrain
- Accessibility
- Location

Each company that discovers a safety hazard on or near a communications facility or electric facility involving another company while performing inspections of its own facilities pursuant to this rule shall notify the other company and/or facility owner of such safety hazard in accordance with Rule 18(B).

Each company’s procedures shall describe (i) the methodology used to ensure that all Communication Lines are subject to the required inspections, and (ii) the procedures used for specifying what problems should be identified by the inspections. The procedures used for specifying what problems should be identified by the inspections shall include a checklist for patrol inspections.

## **(3) Definitions**

**Detailed Inspections** - For the purpose of this rule, Detailed Inspection shall be defined as a careful visual inspection of Communication facilities and structures using inspection tools such as binoculars and measuring devices, as appropriate. Detailed inspections may be carried out in the course of other company business.

**Patrol Inspections** - For the purpose of this rule, Patrol Inspection shall be defined as a simple visual inspection, of applicable communications facilities equipment and structures that is designed to identify obvious structural problems and hazards. Patrol inspections may be carried out in the course of other company business.

**(4) Record Keeping**

Each company shall maintain records for at least ten (10) years that provide the following information for each facility subject to this rule: The location of the facility, the date of each inspection of the facility, the results of each inspection, the personnel who performed each inspection, the date and description of each corrective action, and the personnel who performed each correction action. Commission staff shall be permitted to inspect records consistent with Public Utilities Code Section 314 (a).

## **II. JUSTIFICATION**

- **Specific electric utilities, CIPs, and others affected:**

This revised rule would be applicable to CIPs and companies that own/operate overhead communication lines in California.

- **Geographic Areas where the rule will apply:**

The revised rule would apply in Tier 3 of the High Fire Threat District throughout California.

- **How the PR reduces or otherwise addresses fire hazards and/or risks in the High Fire-Threat District:**

The proposed revision continues the existing requirements established in R.08-11-005 which requires communication companies to patrol and inspect their overhead lines on poles that also support electric lines that are located in high fire risk areas, and also continues the existing requirement to perform patrols and inspections more frequently in Southern California than Northern California.

- **The estimated costs of the PR, including, if available, costs incurred by IOUs, POUs, CIPs, and customers:**

A cost /benefit analysis for this proposed revision was not performed. In D.17-01-009 the Commission concluded that public safety requires the most restrictive fire-safety regulations which currently apply only to certain high fire-threat areas on the interim fire-threat maps, should transfer automatically to Tier 3 of the High Fire Threat District areas in Southern California and Northern California. Because the final Shape B map is not available, an analysis and comparison of Tier 3 (of the High Fire Threat District) to the Threat Classes 3 and 4 of the REAX Map could not be performed.

o **Whether and how the costs will be recovered from customers:**

The necessary cost recovery from customers has not been determined because the final Shape B map is not available and an analysis and comparison of Tier 3 (of the High Fire Threat District) to the Threat Classes 3 and 4 of the REAX Map has not be performed.

o **Whether and how costs will be shared among electric utilities, CIPs, and others:**

The necessary cost sharing between electric utilities, CIPs, and others has not been determined because the final Shape B map is not available and an analysis and comparison of Tier 3 (of the High Fire Threat District) to the Threat Classes 3 and 4 of the REAX Map has not be performed.

• **If the PR applies to electric transmission, why the regulations does not conflict with other federal or state regulations:**

The revised rule does not apply to electric transmission.

• **The timeframe for implementing the PR:**

The proposed revision should become effective 12-months after Commission adoption of the final Shape B to allow CIPs and other jurisdictional companies' adequate time to evaluate and revise their inspection programs.

• **Why it is in the public interest to adopt the PR:**

The proposed revision continues the existing requirements established in R.08-11-005 which requires companies that own/operate overhead communication lines to patrol and inspect their overhead lines more frequently in Southern California than required in Northern California.

• **Whether the PR is exempt from the California Environmental Quality Act (CEQA) and/or the National Environmental Policy Act (NEPA) and, if so, why. Any assertion that CEQA and NEPA do not apply must cite the relevant statues and/or regulations where the exemption is listed. Conversely, any assertion that CEQA and/or NEPA do apply must (1) cite the relevant statues and/or regulations that show this, and (2) list the steps that need to occur under CEQA and/or NEPA before the PR can be adopted:**

This proposed revision is exempt from environmental review under Section 15378 of the California Environmental Quality Act (CEQA) Guidelines because it is not a "project" under CEQA and will not have any potentially significant impact on the environment. NEPA does not apply because adoption of the proposed rule change does not constitute action by a federal agency within the meaning of 42 USC § 4332.

- **Criteria regarding (1) where the PR should apply with respect to new installations and reconstruction in the High Fire-Threat District; and (2) whether existing facilities in the High Fire-Threat District should be retrofitted or replaced to conform to the PRs. (*These criteria should include methods for: (a) Estimating the costs and safety benefits of the PRs, and (b) weighing the costs and safety benefits.*):**

This proposed revision should not require: new criteria with respect to new installations or reconstruction in the High Fire Threat District; or, a determination as to whether or not existing facilities in the High Fire Threat District should be retrofitted or replaced.

- **A detailed summary of any ancillary issues with a direct nexus to the PR:**

This revised rule relies, in part, on the adoption of a new definition for High Fire Threat District being added to GO 95 as described in PR-23.

- **Other matters to be considered:**

As noted above, because the final Shape B map is not available, an analysis and comparison of Tier 3 (of the High Fire Threat District) to the Threat Classes 3 and 4 of the REAX Map could not be performed.

### **III.POSITION OF PARTIES**

- **Comments in Support**

None

- **Comments in Opposition**

### **SED**

All four (4) PRs and APs identified above address changes to GO 95, Rule 80.1A and are thus related. PR 16, as is the case with all FSTP-sponsored PRs, is simply a literal interpretation of the instructions in Decision (D.)17-01-009. In other words, all FSTP PRs only update the map reference from the interim maps to the new statewide Fire Threat Map, and convert the applicable area of the specific rule from certain tiers/zones on the interim map(s) to Tier 3 of the High Fire Threat District (HFTD), as directed by Ordering Paragraph (OP) 10 in D.17-01-009. PR 16-AP1 keeps the updated map reference changes from PR 16, however also eliminates a northern/southern California delineation which carried over from the predecessor proceeding (i.e. R.08-11-005). PR 16-AP2 aligns with the changes in PR 16-AP1, however, this PR expands the scope for communication infrastructure inspections to Tier 2 of the HFTD as well. PR 16-AP2 proposes five (5) year and 15 year inspection cycles for patrol and detailed inspections, respectively, in Tier 2. PR 15 makes changes identical to PR 16-AP2, but increases the frequency for patrol and detailed inspections in Tier 2 to two (2) and eight (8) years, respectively.

Tier 2, as described in D.17-01-009, identifies areas throughout the state where there is an “elevated” risk for a catastrophic wildfire event, given an ignition sparked by overhead utility facilities. These areas of “elevated” fire risk are identified and developed by the state’s own fire

agency (i.e. CAL FIRE), a group of independent subject matter experts under CAL FIRE's direction, and with extensive consultation and input from utility experts and stakeholder experts. As such, SED contends that these Tier 2 areas, identified as having an "elevated" risk of catastrophic wildfire, certainly warrant some type of inspections. Neither PR 16 nor PR 16-AP1 propose any inspection requirements in Tier 2 of the HFTD and should thusly be rejected. While PR 16-AP2 proposes patrol and detailed inspections in Tier 2 of the HFTD by mandating five (5) and 15 year patrol and detailed inspection intervals, respectively, in SED's opinion these intervals are far too infrequent and could have potentially disastrous ramifications for public safety.

SED concludes that among the four (4) proposed revisions to GO 95, Rule 80.1A, PR 15 is most closely aligned with the intent and goals of this proceeding. For the reasons stated above and those described in the justification section of PR 15, SED opposes PR 16 and urges the Commission to instead adopt the changes proposed in PR 15.

## **TURN**

TURN supports the adoption of reasonable regulations to improve the safety of utility facilities. In reviewing any new or modified regulations, however, the Commission must weigh the benefits and costs of proposed changes that would have more than a de minimis cost impact on customers. There are, and always will be, many opportunities to improve safety, but ratepayer funds are limited and must not be exhausted on regulatory compliance efforts that are not cost-effective. Under California law, all utility spending for any purpose, including safety, must be justified under Public Utilities Code Section 454(a) and must meet the just and reasonable standard of Section 451. The proponent of this proposed rule states that, "Because the final Shape B map is not available, an analysis and comparison of Tier 3 (of the High Fire Threat District) to Extreme and Very High Fire Threat Zones in the FRAP map could not be performed." For the same reason, the proponent could not determine necessary cost recovery or cost sharing mechanisms.

The proponent of this rule states, "In D.17-01-009 the Commission concluded that public safety requires the most restrictive fire-safety regulations which currently apply only to certain high fire-threat areas on the interim fire-threat maps, should transfer automatically to Tier 3 of the High Fire Threat District in Southern California." TURN understand that the transfer required by D.17-01-009 is not intended to significantly broaden the application of this rule, but there is insufficient information with which to determine the full impact of the proposed changes or assess the cost-effectiveness or reasonableness of this proposed rule. TURN, therefore, cannot provide a final vote in support of this rule. TURN notes that PR-15 and PR-16 AP1 and AP2 all propose changes that would modify the inspection cycles required by Rule 80.1.A. The costs and benefits of those proposed changes must be assessed to ensure that ratepayer funds are only spent on the cost-effective measures. The assessment of PR-16 can occur simultaneously with the review of PR-15 and PR-16 AP1 and AP2 and would likely not significantly delay the process of authorizing final regulations.

For the reasons given above, TURN, opposes this proposed rule.

- **Final Vote:**

<b>PARTIES</b>	<b>NOT PRESENT</b>	<b>YES</b>	<b>NEUTRAL</b>	<b>NO</b>
AT&T		X		
BVES			X	
CALTEL	X			
CCTA		X		
CFBF	X			
Charter Comm.		X		
City of Laguna Beach			X	
CMUA				X
Comcast		X		
Consolidated Comm.		X		
Cox Comm.		X		
Crown Castle		X		
CTIA		X		
ExteNet	X			
IBEW 1245		X		
LA County Fire				X
LADWP				X
Liberty CalPeco			X	
Mussey Grade Road Alliance			X	
PacifiCorp				X
PG&E				X
SED				X
SCE		X		
SDG&E		X		
Small LECS		X		
SMUD				X
Sprint-Nextel	X			
T-Mobile		X		
TURN				X
Frontier		X		
Verizon Wireless	X			

**I. PROPOSED *REVISION TO GENERAL ORDER 95, RULE 80.1A*****A. Current Rule****80.1 Inspection Requirements for Communication Lines:****A. Patrol and Detailed Inspections****(1) Inspection Requirements for Joint-Use Poles in High Fire-Threat Areas**

In high fire-threat areas, the inspection intervals for (i) Communication Lines located on Joint Use Poles (See Rule 21.8) that contain Supply Circuits (See Rule 20.6-D), and (ii) Communication Lines attached to a pole that is within three spans of a Joint Use Pole with Supply Circuits, shall not exceed the time specified in the following Table.

Inspection	Northern California	Southern California
Patrol	2 Years	1 Year
Detailed	10 Years	5 Years

Inspection intervals and shall be conducted more frequently than shown in the above table, if necessary, based on the five factors listed in Rule 80.1-A2, below.

For the purpose of implementing the patrol and detailed inspection intervals in the above Table in the high fire-threat areas of the state, the term “year” is defined as 12 consecutive calendar months starting the first full calendar month after an inspection is performed, plus three full calendar months, not to exceed the end of the calendar year in which the next inspection is due. A required inspection may be completed any time before the expiration of the associated inspection interval using this definition of “year,” but not after. The completion of an inspection starts a new inspection interval that must be completed within the prescribed timeframe using this definition of “year.” However, inspection intervals may be extended by up to six months in areas where the Governor of California or the President of the United States has declared an emergency or a disaster following a major earthquake or other catastrophe using the procedure set forth in Decision 13-06-011 issued in Rulemaking 08-11-005. The extension shall not exceed six months from the date that an emergency is declared or the date that a disaster is declared, whichever is earlier.

For the purpose of the above Table, the high fire-threat areas in Northern California are areas designated as Threat Classes 3 and 4 on the Reax Map adopted by Decision 12- 01-032 issued in Phase 2 of Rulemaking 08-11-005.

For the purpose of implementing the patrol and detailed inspection intervals in the above Table in the high fire-threat areas of the state, the term “year” is defined as 12 consecutive calendar months starting the first full calendar month after an inspection is performed, plus or minus two full calendar months, not to exceed the end of the calendar year in which the next inspection is due.

The FRAP Map and Reax Map are to be used to establish approximate boundaries. Communications Infrastructure Providers should use their own expertise and judgment to determine if local conditions require them to adjust the boundaries of the map.

Inspections in high fire-threat areas shall be planned and conducted in accordance with the statewide inspection requirements and procedures described in Rule 80.1-A2, below.

Each company’s procedures shall describe (i) the methodology used to ensure that all Communication Lines are subject to the required inspections, and (ii) the procedures used for specifying what problems should be identified by the inspections. The procedures used for specifying what problems should be identified by the inspections shall include a checklist for patrol inspections.

## **(2) Statewide Inspection Requirements**

Each company shall prepare, follow, and modify as necessary, procedures for conducting patrol or detailed inspections for all of its Communication Lines throughout the State. Consistent with Rule 31.2, the type, frequency and thoroughness of inspections shall be based upon the following factors:

- Fire threat
- Proximity to overhead power line facilities
- Terrain
- Accessibility
- Location

Each company that discovers a safety hazard on or near a communications facility or electric facility involving another company while performing inspections of its own facilities pursuant to this rule shall notify the other company and/or facility owner of such safety hazard in accordance with Rule 18(B).



Each company's procedures shall describe (i) the methodology used to ensure that all Communication Lines are subject to the required inspections, and (ii) the procedures used for specifying what problems should be identified by the inspections. The procedures used for specifying what problems should be identified by the inspections shall include a checklist for patrol inspections.

**(3) Definitions**

**Detailed Inspections.** For the purpose of this rule, Detailed Inspection shall be defined as a careful visual inspection of Communication facilities and structures using inspection tools such as binoculars and measuring devices, as appropriate. Detailed inspections may be carried out in the course of other company business.

**Patrol Inspections.** For the purpose of this rule, Patrol Inspection shall be defined as a simple visual inspection, of applicable communications facilities equipment and structures that is designed to identify obvious structural problems and hazards. Patrol inspections may be carried out in the course of other company business.

**(4) Record Keeping**

Each company shall maintain records for at least ten (10) years that provide the following information for each facility subject to this rule: The location of the facility, the date of each inspection of the facility, the results of each inspection, the personnel who performed each inspection, the date and description of each corrective action, and the personnel who performed each correction action. Commission staff shall be permitted to inspect records consistent with Public Utilities Code Section 314(a).

**B. Proposed Revisions Shown with Strikeout/Underline**

**80.1 Inspection Requirements for Communication Lines:**

**A. Patrol and Detailed Inspections**

**(1) Inspection Requirements for Joint-Use Poles in High Fire-Threat ~~Areas~~ District**

In ~~high Tier 3 fire-threat areas~~, the inspection intervals for (i) Communication Lines located on Joint Use Poles (See Rule 21.8) that contain Supply Circuits (See Rule 20.6-D), and (ii) Communication Lines attached to a pole that is within three spans of a Joint Use Pole with Supply Circuits, shall not exceed the time specified in the following Table.

Inspection	<del>Northern California</del>	<del>Southern California</del> <u>Interval</u>
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Patrol	<del>2 Years</del>	1 Year
Detailed	<del>10 Years</del>	5 Years

Inspections ~~intervals and~~ shall be conducted more frequently than shown in the above table, if necessary, based on the five factors listed in Rule 80.1-A2, below.

For the purpose of implementing the patrol and detailed inspection intervals in the above Table ~~Tier 3 in the high fire-threat areas of the state~~, the term “year” is defined as 12 consecutive calendar months starting the first full calendar month after an inspection is performed, plus three full calendar months, not to exceed the end of the calendar year in which the next inspection is due. A required inspection may be completed any time before the expiration of the associated inspection interval using this definition of “year,” but not after. The completion of an inspection starts a new inspection interval that must be completed within the prescribed timeframe using this definition of “year.” However, inspection intervals may be extended by up to six months in areas where the Governor of California or the President of the United States has declared an emergency or a disaster following a major earthquake or other catastrophe using the procedure set forth in Decision 13-06-011 issued in Rulemaking 08-11-005. The extension shall not exceed six months from the date that an emergency is declared or the date that a disaster is declared, whichever is earlier.

For the purpose of the above Table, the high fire-threat areas in Northern California are areas designated as Threat Classes 3 and 4 on the Reax Map adopted by Decision 12- 01-032 issued in Phase 2 of Rulemaking 08-11-005.

~~For the purpose of implementing the patrol and detailed inspection intervals in the above Table in the high fire-threat areas of the state, the term “year” is defined as 12 consecutive calendar months starting the first full calendar month after an inspection is performed, plus or minus two full calendar months, not to exceed the end of the calendar year in which the next inspection is due.~~

~~The FRAP Map and Reax Map are to be used to establish approximate boundaries.~~ Communications Infrastructure Providers should use their own expertise and judgment to determine if local conditions require them to adjust the boundaries of the map.

Inspections in ~~high fire-threat areas~~ the High Fire Threat District shall be planned and conducted in accordance with the statewide inspection requirements and procedures described in Rule 80.1-A2, below.

Each company's procedures shall describe (i) the methodology used to ensure that all Communication Lines are subject to the required inspections, and (ii) the procedures used for specifying what problems should be identified by the inspections. The procedures used for specifying what problems should be identified by the inspections shall include a checklist for patrol inspections.

**(2) Statewide Inspection Requirements**

Each company shall prepare, follow, and modify as necessary, procedures for conducting patrol or detailed inspections for all of its Communication Lines throughout the State. Consistent with Rule 31.2, the type, frequency and thoroughness of inspections shall be based upon the following factors:

- Fire threat
- Proximity to overhead power line facilities
- Terrain
- Accessibility
- Location, including whether the Communications Lines are located in the High Fire Threat District

Each company that discovers a safety hazard on or near a communications facility or electric facility involving another company while performing inspections of its own facilities pursuant to this rule shall notify the other company and/or facility owner of such safety hazard in accordance with Rule 18(B).

Each company's procedures shall describe (i) the methodology used to ensure that all Communication Lines are subject to the required inspections, and (ii) the procedures used for specifying what problems should be identified by the inspections. The procedures used for specifying what problems should be identified by the inspections shall include a checklist for patrol inspections.

**(3) Definitions**

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**(4) Record Keeping**

Each company shall maintain records for at least ten (10) years that provide the following information for each facility subject to this rule: The location of the facility, the date of each inspection of the facility, the results of each inspection, the personnel who performed each inspection, the date and description of each corrective action, and the personnel who performed each correction action. Commission staff shall be permitted to inspect records consistent with Public Utilities Code Section 314 (a).

**C. Proposed Final Version**

**80.1 Inspection Requirements for Communication Lines:**

**A. Patrol and Detailed Inspections**

**(1) Inspection Requirements for Joint-Use Poles in High Fire-Threat District**

In Tier 3, the inspection intervals for (i) Communication Lines located on Joint Use Poles (See Rule 21.8) that contain Supply Circuits (See Rule 20.6-D), and (ii) Communication Lines attached to a pole that is within three spans of a Joint Use Pole with Supply Circuits, shall not exceed the time specified in the following Table.

Inspection	Interval
Patrol	1 Year
Detailed	5 Years

Inspections shall be conducted more frequently than shown in the above table, if necessary, based on the five factors listed in Rule 80.1-A2, below.

For the purpose of implementing the patrol and detailed inspection intervals in the above Table Tier 3, the term “year” is defined as 12 consecutive calendar months starting the first full calendar month after an inspection is performed, plus three full calendar months, not to exceed the end of the calendar year in which the next inspection is due. A required inspection may be completed any time before the expiration of the associated inspection interval using this definition of “year,” but not after. The completion of an inspection starts a new inspection interval that must be completed within the prescribed timeframe using this definition of “year.” However, inspection intervals may be extended by up to six months in areas where the Governor of California or the President of the United States has declared an emergency or a disaster following a major

earthquake or other catastrophe using the procedure set forth in Decision 13-06-011 issued in Rulemaking 08-11-005. The extension shall not exceed six months from the date that an emergency is declared or the date that a disaster is declared, whichever is earlier.

Communications Infrastructure Providers should use their own expertise and judgment to determine if local conditions require them to adjust the boundaries of the map.

Inspections in the High Fire Threat District shall be planned and conducted in accordance with the statewide inspection requirements and procedures described in Rule 80.1-A2, below.

Each company's procedures shall describe (i) the methodology used to ensure that all Communication Lines are subject to the required inspections, and (ii) the procedures used for specifying what problems should be identified by the inspections. The procedures used for specifying what problems should be identified by the inspections shall include a checklist for patrol inspections.

## **(2) Statewide Inspection Requirements**

Each company shall prepare, follow, and modify as necessary, procedures for conducting patrol or detailed inspections for all of its Communication Lines throughout the State. Consistent with Rule 31.2, the type, frequency and thoroughness of inspections shall be based upon the following factors:

- Fire threat
- Proximity to overhead power line facilities
- Terrain
- Accessibility
- Location, including whether the Communications Lines are located in the High Fire Threat District

Each company that discovers a safety hazard on or near a communications facility or electric facility involving another company while performing inspections of its own facilities pursuant to this rule shall notify the other company and/or facility owner of such safety hazard in accordance with Rule 18(B).

Each company's procedures shall describe (i) the methodology used to ensure that all Communication Lines are subject to the required inspections, and (ii) the procedures used for specifying what problems should be identified by the inspections. The procedures used for specifying what problems should be identified by the inspections shall include a checklist for patrol inspections.

**(3) Definitions**

**Detailed Inspections.** For the purpose of this rule, Detailed Inspection shall be defined as a careful visual inspection of Communication facilities and structures using inspection tools such as binoculars and measuring devices, as appropriate. Detailed inspections may be carried out in the course of other company business.

**Patrol Inspections.** For the purpose of this rule, Patrol Inspection shall be defined as a simple visual inspection, of applicable communications facilities equipment and structures that is designed to identify obvious structural problems and hazards. Patrol inspections may be carried out in the course of other company business.

**(4) Record Keeping**

Each company shall maintain records for at least ten (10) years that provide the following information for each facility subject to this rule: The location of the facility, the date of each inspection of the facility, the results of each inspection, the personnel who performed each inspection, the date and description of each corrective action, and the personnel who performed each correction action. Commission staff shall be permitted to inspect records consistent with Public Utilities Code Section 314 (a).

**II. JUSTIFICATION**

- **Specific electric utilities, CIPs, and others affected:**

This revised rule would be applicable to companies that own/operate overhead communication lines in California.

- **Geographic Areas where the rule will apply:**

The revised rule would continue to apply throughout California.

- **How the PR reduces or otherwise addresses fire hazards and/or risks in the High Fire-Threat District:**

The proposed revision continues the existing requirements established in R.08-11-005 which require communication companies to patrol and inspect their overhead lines more frequently in areas of increased fire risk and complies with the requirement in D.17-01-009 to transfer certain high fire-threat areas on the interim fire-threat maps to Tier 3 areas. However, the current proposed rule goes further by extending the more restrictive Southern California inspection intervals to all of Tier 3 of the High Fire Threat District *on a statewide basis*, thus eliminating the Northern - Southern California distinction.

- **The estimated costs of the PR, including, if available, costs incurred by IOUs, POUs, CIPs, and customers:**

The estimated costs of this PR on this PR cannot be ascertained until Tier 3 of the High Fire Threat District is defined. Once Tier 3 is defined, impacted parties should be permitted to supplement the record of this proceeding with that information.

- o **Whether and how the costs will be recovered from customers:**

With respect to any costs incurred, the rate-of-return regulated utilities are seeking authority to record and recover these costs in the same manner as was approved by the Commission in Phase 2 of R.08-11-005. Companies that are not rate-of-return regulated may recover costs in any legally permissible manner, including through line-item charges or increased fees for services.

- o **Whether and how costs will be shared among electric utilities, CIPs, and others:**

Whether and if so how the costs will be shared among individual electric utilities and CIPs will depend on parties' ownership interests in the poles and the relevant terms in the applicable joint pole agreements or pole license agreements.

- **If the PR applies to electric transmission, why the regulations does not conflict with other federal or state regulations:**

The revised rule does not apply to electric transmission. Conflicts with other federal or state regulations were not identified in R.01-11-005 and none have been identified in this proceeding.

- **The timeframe for implementing the PR:**

The revised rule should become effective within 18 months after the Commission adopts a new Fire Threat Map. Although D.17-01-009 requires "the transfer of existing fire-safety regulations to be completed no later than September 1, 2018," AP 1 does not simply transfer the existing inspection rules for Northern California; instead AP 1 proposes a significantly shorter inspection interval in Northern California (1/5 years, as opposed to 2/10 years). Moreover under the current schedule the final map will not be approved by the Commission until November 2017, and CIPs and other jurisdictional companies need time to revise their inspection programs to conform to the new maps and plan for the change in their budget cycles.

- **Why it is in the public interest to adopt the PR:**

The proposed revision continues the existing requirements established in R.08-11-005 which require communication companies to patrol and inspect their overhead lines more frequently in areas of increased fire risk and complies with the requirement in D.17-01-009 to transfer certain high fire-threat areas on the interim fire-threat maps to Tier 3 areas. However, the current proposed rule goes further by extending the more restrictive Southern California inspection intervals to all of Tier 3 of the High Fire Threat District *on a statewide basis*, thus eliminating the Northern - Southern California distinction.

- **Whether the PR is exempt from the California Environmental Quality Act (CEQA) and/or the National Environmental Policy Act (NEPA) and, if so, why. Any assertion that CEQA and NEPA do not apply must cite the relevant statutes and/or regulations where the exemption is listed. Conversely, any assertion that CEQA and/or NEPA do apply must (1) cite the relevant statutes and/or regulations that show this, and (2) list the steps that need to occur under CEQA and/or NEPA before the PR can be adopted:**

This proposal is exempt from environmental review under Section 15378 of the California Environmental Quality Act (CEQA) Guidelines because it is not a “project” under CEQA and will not have any potentially significant impact on the environment. NEPA does not apply because adoption of the proposed rule change does not constitute action by a federal agency within the meaning of 42 USC § 4332.

- **Criteria regarding (1) where the PR should apply with respect to new installations and reconstruction in the High Fire-Threat District; and (2) whether existing facilities in the High Fire-Threat District should be retrofitted or replaced to conform to the PRs. *(These criteria should include methods for: (a) Estimating the costs and safety benefits of the PRs, and (b) weighing the costs and safety benefits.):***

This revised rule would apply to both new and existing installations. The revised rule does not require analysis of whether overhead line facilities in the High Fire Threat District should be retrofitted or replaced to conform to the PR.

- **A detailed summary of any ancillary issues with a direct nexus to the PR:**

No ancillary issues with a direct nexus to the PR have been identified.

- **Other matters to be considered:**

No other matters for consideration have been identified.



### III. POSITION OF PARTIES

- **Comments in Support**

None

- **Comments in Opposition**

#### **IBEW 1245**

IBEW 1245 does not support this rule. IBEW 1245 believes that Tier 2 in the HFTD should be included in the increased inspection cycles.

#### **SED**

All four (4) PRs and APs identified above address changes to GO 95, Rule 80.1A and are thus related. PR 16, as is the case with all FSTP-sponsored PRs, is simply a literal interpretation of the instructions in Decision (D.) 17-01-009. In other words, all FSTP PRs only update the map reference from the interim maps to the new statewide Fire Threat Map, and convert the applicable area of the specific rule from certain tiers/zones on the interim map(s) to Tier 3 of the High Fire Threat District (HFTD), as directed by Ordering Paragraph (OP) 10 in D.17-01-009. PR 16-AP1 keeps the updated map reference changes from PR 16, however also eliminates a northern/southern California delineation which carried over from the predecessor proceeding (i.e. R.08-11-005). PR 16-AP2 aligns with the changes in PR 16-AP1, however, this PR expands the scope for communication infrastructure inspections to Tier 2 of the HFTD as well. PR 16-AP2 proposes five (5) year and 15 year inspection cycles for patrol and detailed inspections, respectively, in Tier 2. PR 15 makes changes identical to PR 16-AP2, but increases the frequency for patrol and detailed inspections in Tier 2 to two (2) and eight (8) years, respectively.

Tier 2, as described in D.17-01-009, identifies areas throughout the state where there is an “elevated” risk for a catastrophic wildfire event, given an ignition sparked by overhead utility facilities. These areas of “elevated” fire risk are identified and developed by the state’s own fire agency (i.e. CAL FIRE), a group of independent subject matter experts under CAL FIRE’s direction, and with extensive consultation and input from utility experts and stakeholder experts. As such, SED contends that these Tier 2 areas, identified as having an “elevated” risk of catastrophic wildfire, certainly warrant some type of inspections. Neither PR 16 nor PR 16-AP1 propose any inspection requirements in Tier 2 of the HFTD and should thusly be rejected. While PR 16-AP2 proposes patrol and detailed inspections in Tier 2 of the HFTD by mandating five (5) and 15 year patrol and detailed inspection intervals, respectively, in SED’s opinion these intervals are far too infrequent and could have potentially disastrous ramifications for public safety.

SED concludes that among the four (4) proposed revisions to GO 95, Rule 80.1A, PR 15 is most closely aligned with the intent and goals of this proceeding. For the reasons stated above and those described in the justification section of PR 15, SED opposes PR 16-AP1 and urges the Commission to instead adopt the changes proposed in PR 15.

## **TURN**

TURN supports the adoption of reasonable regulations to improve the safety of utility facilities. In reviewing any new or modified regulations, however, the Commission must weigh the benefits and costs of proposed changes that would have more than a de minimis cost impact on customers. There are, and always will be, many opportunities to improve safety, but ratepayer funds are limited and must not be exhausted on regulatory compliance efforts that are not cost-effective. Under California law, all utility spending for any purpose, including safety, must be justified under Public Utilities Code Section 454(a) and must meet the just and reasonable standard of Section 451. The proponent of this proposed rule, however, states that the estimated costs of this proposed rule cannot be ascertained until Tier 3 of the High Fire Threat District is defined.

This proposed rule would modify existing inspection requirements for joint-use poles in high fire threat areas. The proposed rule would remove the distinction between northern and southern California and apply the Southern California inspection cycles (Patrol every 1 year, Detailed inspection every 5 years) statewide to Tier 3 areas. It is highly likely that this modification will have significant cost impacts given that the proposed rule would expand the most stringent inspection cycles across the entire state. At this time, it is impossible to understand the impacts of this rule since the proponent could not provide cost estimates. There is insufficient information with which to determine either the cost-effectiveness or the reasonableness of this proposed rule, and TURN, therefore, opposes this proposed rule.

- **Final Vote:**

<b>PARTIES</b>	<b>NOT PRESENT</b>	<b>YES</b>	<b>NEUTRAL</b>	<b>NO</b>
AT&T		X		
BVES			X	
CALTEL	X			
CCTA		X		
CFBF	X			
Charter Comm.		X		
City of Laguna Beach			X	
CMUA			X	
Comcast		X		
Consolidated Comm.		X		
Cox Comm.		X		
Crown Castle		X		
CTIA		X		
ExteNet	X			
IBEW 1245				X
LA County Fire				X
LADWP			X	
Liberty CalPeco				X
Mussey Grade Road Alliance				X
PacifiCorp				X
PG&E				X
SED				X
SCE				X
SDG&E				X
Small LECS		X		
SMUD		X		
Sprint-Nextel	X			
T-Mobile		X		
TURN				X
Frontier		X		
Verizon Wireless	X			

**I. PROPOSED *REVISION TO* GENERAL ORDER 95, RULE 80.1A****A. Current Rule****80.1 Inspection Requirements for Communication Lines:****A. Patrol and Detailed Inspections****(1) Inspection Requirements for Joint-Use Poles in High Fire-Threat Areas**

In high fire-threat areas, the inspection intervals for (i) Communication Lines located on Joint Use Poles (See Rule 21.8) that contain Supply Circuits (See Rule 20.6-D), and (ii) Communication Lines attached to a pole that is within three spans of a Joint Use Pole with Supply Circuits, shall not exceed the time specified in the following Table.

Inspection	Northern California	Southern California
Patrol	2 Years	1 Year
Detailed	10 Years	5 Years

Inspection intervals and shall be conducted more frequently than shown in the above table, if necessary, based on the five factors listed in Rule 80.1-A2, below.

For the purpose of implementing the patrol and detailed inspection intervals in the above Table in the high fire-threat areas of the state, the term “year” is defined as 12 consecutive calendar months starting the first full calendar month after an inspection is performed, plus three full calendar months, not to exceed the end of the calendar year in which the next inspection is due. A required inspection may be completed any time before the expiration of the associated inspection interval using this definition of “year,” but not after. The completion of an inspection starts a new inspection interval that must be completed within the prescribed timeframe using this definition of “year.” However, inspection intervals may be extended by up to six months in areas where the Governor of California or the President of the United States has declared an emergency or a disaster following a major earthquake or other catastrophe using the procedure set forth in Decision 13-06-011 issued in Rulemaking 08-11-005. The extension shall not exceed six months from the date that an emergency is declared or the date that a disaster is declared, whichever is earlier.

For the purpose of the above Table, the high fire-threat areas in Northern California are areas designated as Threat Classes 3 and 4 on the Reax Map adopted by Decision 12- 01-032 issued in Phase 2 of Rulemaking 08-11-005.

For the purpose of implementing the patrol and detailed inspection intervals in the above Table in the high fire-threat areas of the state, the term “year” is defined as 12 consecutive calendar months starting the first full calendar month after an inspection is performed, plus or minus two full calendar months, not to exceed the end of the calendar year in which the next inspection is due.

The FRAP Map and Reax Map are to be used to establish approximate boundaries. Communications Infrastructure Providers should use their own expertise and judgment to determine if local conditions require them to adjust the boundaries of the map.

Inspections in high fire-threat areas shall be planned and conducted in accordance with the statewide inspection requirements and procedures described in Rule 80.1-A2, below.

Each company’s procedures shall describe (i) the methodology used to ensure that all Communication Lines are subject to the required inspections, and (ii) the procedures used for specifying what problems should be identified by the inspections. The procedures used for specifying what problems should be identified by the inspections shall include a checklist for patrol inspections.

**(2) Statewide Inspection Requirements**

Each company shall prepare, follow, and modify as necessary, procedures for conducting patrol or detailed inspections for all of its Communication Lines throughout the State. Consistent with Rule 31.2, the type, frequency and thoroughness of inspections shall be based upon the following factors:

- Fire threat
- Proximity to overhead power line facilities
- Terrain
- Accessibility
- Location

Each company that discovers a safety hazard on or near a communications facility or electric facility involving another company while performing inspections of its own facilities pursuant to this rule shall notify the other company and/or facility owner of such safety hazard in accordance with Rule 18(B).

Each company's procedures shall describe (i) the methodology used to ensure that all Communication Lines are subject to the required inspections, and (ii) the procedures used for specifying what problems should be identified by the inspections. The procedures used for specifying what problems should be identified by the inspections shall include a checklist for patrol inspections.

**(3) Definitions**

**Detailed Inspections.** For the purpose of this rule, Detailed Inspection shall be defined as a careful visual inspection of Communication facilities and structures using inspection tools such as binoculars and measuring devices, as appropriate. Detailed inspections may be carried out in the course of other company business.

**Patrol Inspections.** For the purpose of this rule, Patrol Inspection shall be defined as a simple visual inspection, of applicable communications facilities equipment and structures that is designed to identify obvious structural problems and hazards. Patrol inspections may be carried out in the course of other company business.

**(4) Record Keeping**

Each company shall maintain records for at least ten (10) years that provide the following information for each facility subject to this rule: The location of the facility, the date of each inspection of the facility, the results of each inspection, the personnel who performed each inspection, the date and description of each corrective action, and the personnel who performed each correction action. Commission staff shall be permitted to inspect records consistent with Public Utilities Code Section 314 (a).

**B. Proposed Revisions Shown with Strikeout/Underline**

**80.1 Inspection Requirements for Communication Lines:**

**A. Patrol and Detailed Inspections**

**(1) Inspection Requirements for Joint-Use Poles in High Fire-Threat District Areas**

In the ~~high fire-threat areas~~, High Fire Threat District, the inspection intervals for (i) Communication Lines located on Joint Use Poles (See Rule 21.8) that contain Supply Circuits (See Rule 20.6-D), and (ii) Communication Lines attached to a pole that is within three spans of a Joint Use Pole with Supply Circuits, shall not exceed the time specified in the following Table.

Inspection	<del>Northern California</del> <u>Tier 2</u>	<del>Southern California</del> <u>Tier 3</u>
Patrol	<del>2</del> <u>5</u> Years	1 Year
Detailed	<del>10</del> <u>15</u> Years	5 Years

Inspections ~~intervals and~~ shall be conducted more frequently than shown in the above table, if necessary, based on the five factors listed in Rule 80.1-A2, below.

For the purpose of implementing the patrol and detailed inspection intervals in the above Table ~~in the high fire threat areas of the state~~, the term “year” is defined as 12 consecutive calendar months starting the first full calendar month after an inspection is performed, plus three full calendar months, not to exceed the end of the calendar year in which the next inspection is due. A required inspection may be completed any time before the expiration of the associated inspection interval using this definition of “year,” but not after. The completion of an inspection starts a new inspection interval that must be completed within the prescribed timeframe using this definition of “year.” However, inspection intervals may be extended by up to six months in areas where the Governor of California or the President of the United States has declared an emergency or a disaster following a major earthquake or other catastrophe using the procedure set forth in Decision 13-06-011 issued in Rulemaking 08-11-005. The extension shall not exceed six months from the date that an emergency is declared or the date that a disaster is declared, whichever is earlier.

~~For the purpose of the above Table, the high fire threat areas in Northern California are areas designated as Threat Classes 3 and 4 on the Reax Map adopted by Decision 12-01-032 issued in Phase 2 of Rulemaking 08-11-005.~~

~~For the purpose of implementing the patrol and detailed inspection intervals in the above Table in the high fire threat areas of the state, the term “year” is defined as 12 consecutive calendar months starting the first full calendar month after an inspection is performed, plus or minus two full calendar months, not to exceed the end of the calendar year in which the next inspection is due.~~

~~The FRAP Map and Reax Map are to be used to establish approximate boundaries. Communications Infrastructure Providers should use their own expertise and judgment to determine if local conditions require them to adjust the boundaries of the map.~~

Inspections in ~~high fire threat areas~~ the High Fire Threat District shall be planned and conducted in accordance with the statewide inspection requirements and procedures described in Rule 80.1-A2, below.

Each company's procedures shall describe (i) the methodology used to ensure that all Communication Lines are subject to the required inspections, and (ii) the procedures used for specifying what problems should be identified by the inspections. The procedures used for specifying what problems should be identified by the inspections shall include a checklist for patrol inspections.

## **(2) Statewide Inspection Requirements**

Each company shall prepare, follow, and modify as necessary, procedures for conducting patrol or detailed inspections for all of its Communication Lines throughout the State. Consistent with Rule 31.2, the type, frequency and thoroughness of inspections shall be based upon the following factors:

- Fire threat
- Proximity to overhead power line facilities
- Terrain
- Accessibility
- Location

Each company that discovers a safety hazard on or near a communications facility or electric facility involving another company while performing inspections of its own facilities pursuant to this rule shall notify the other company and/or facility owner of such safety hazard in accordance with Rule 18(B).

Each company's procedures shall describe (i) the methodology used to ensure that all Communication Lines are subject to the required inspections, and (ii) the procedures used for specifying what problems should be identified by the inspections. The procedures used for specifying what problems should be identified by the inspections shall include a checklist for patrol inspections.

## **(3) Definitions**

**Detailed Inspections.** For the purpose of this rule, Detailed Inspection shall be defined as a careful visual inspection of Communication facilities and structures using inspection tools such as binoculars and measuring devices, as appropriate. Detailed inspections may be carried out in the course of other company business.

**Patrol Inspections.** For the purpose of this rule, Patrol Inspection shall be defined as a simple visual inspection, of applicable communications



facilities equipment and structures that is designed to identify obvious structural problems and hazards. Patrol inspections may be carried out in the course of other company business.

**(4) Record Keeping**

Each company shall maintain records for at least ten (10) years that provide the following information for each facility subject to this rule: The location of the facility, the date of each inspection of the facility, the results of each inspection, the personnel who performed each inspection, the date and description of each corrective action, and the personnel who performed each correction action. Commission staff shall be permitted to inspect records consistent with Public Utilities Code Section 314 (a).

**C. Proposed Final Version**

**80.1 Inspection Requirements for Communication Lines:**

**A. Patrol and Detailed Inspections**

**(1) Inspection Requirements for Joint-Use Poles in High Fire-Threat District**

In the High Fire Threat District, the inspection intervals for (i) Communication Lines located on Joint Use Poles (See Rule 21.8) that contain Supply Circuits (See Rule 20.6-D), and (ii) Communication Lines attached to a pole that is within three spans of a Joint Use Pole with Supply Circuits, shall not exceed the time specified in the following Table.

Inspection	Tier 2	Tier 3
Patrol	5 Years	1 Year
Detailed	15 Years	5 Years

Inspections shall be conducted more frequently than shown in the above table, if necessary, based on the five factors listed in Rule 80.1-A2, below.

For the purpose of implementing the patrol and detailed inspection intervals in the above Table, the term “year” is defined as 12 consecutive calendar months starting the first full calendar month after an inspection is performed, plus three full calendar months, not to exceed the end of the calendar year in which the next inspection is due. A required inspection may be completed any time before the expiration of the associated inspection interval using this definition of “year,” but not after. The completion of an inspection starts a new inspection interval that must be completed within the prescribed timeframe using this definition of “year.” However, inspection intervals may be extended by up to six months in

areas where the Governor of California or the President of the United States has declared an emergency or a disaster following a major earthquake or other catastrophe using the procedure set forth in Decision 13-06-011 issued in Rulemaking 08-11-005. The extension shall not exceed six months from the date that an emergency is declared or the date that a disaster is declared, whichever is earlier.

Inspections in the High Fire Threat District shall be planned and conducted in accordance with the statewide inspection requirements and procedures described in Rule 80.1-A2, below.

Each company's procedures shall describe (i) the methodology used to ensure that all Communication Lines are subject to the required inspections, and (ii) the procedures used for specifying what problems should be identified by the inspections. The procedures used for specifying what problems should be identified by the inspections shall include a checklist for patrol inspections.

## **(2) Statewide Inspection Requirements**

Each company shall prepare, follow, and modify as necessary, procedures for conducting patrol or detailed inspections for all of its Communication Lines throughout the State. Consistent with Rule 31.2, the type, frequency and thoroughness of inspections shall be based upon the following factors:

- Fire threat
- Proximity to overhead power line facilities
- Terrain
- Accessibility
- Location

Each company that discovers a safety hazard on or near a communications facility or electric facility involving another company while performing inspections of its own facilities pursuant to this rule shall notify the other company and/or facility owner of such safety hazard in accordance with Rule 18(B).

Each company's procedures shall describe (i) the methodology used to ensure that all Communication Lines are subject to the required inspections, and (ii) the procedures used for specifying what problems should be identified by the inspections. The procedures used for specifying what problems should be identified by the inspections shall include a checklist for patrol inspections.

**(3) Definitions**

**Detailed Inspections.** For the purpose of this rule, Detailed Inspection shall be defined as a careful visual inspection of Communication facilities and structures using inspection tools such as binoculars and measuring devices, as appropriate. Detailed inspections may be carried out in the course of other company business.

**Patrol Inspections.** For the purpose of this rule, Patrol Inspection shall be defined as a simple visual inspection, of applicable communications facilities equipment and structures that is designed to identify obvious structural problems and hazards. Patrol inspections may be carried out in the course of other company business.

**(4) Record Keeping**

Each company shall maintain records for at least ten (10) years that provide the following information for each facility subject to this rule: The location of the facility, the date of each inspection of the facility, the results of each inspection, the personnel who performed each inspection, the date and description of each corrective action, and the personnel who performed each correction action. Commission staff shall be permitted to inspect records consistent with Public Utilities Code Section 314 (a).

**II. JUSTIFICATION**

- **Specific electric utilities, CIPs, and others affected:**

This PR would be applicable to companies that own/operate overhead communication lines in California.

- **Geographic Areas where the rule will apply:**

The PR would continue to apply throughout California.

- **How the PR reduces or otherwise addresses fire hazards and/or risks in the High Fire-Threat District:**

The proposed revision continues the existing requirements established in R.08-11-005 which require communication companies to patrol and inspect their overhead lines more frequently in areas of increased fire risk and complies with the requirement in D.17-01-009 to transfer existing regulations for high fire-threat areas to Tier 3 areas in Southern California. However, the current proposed rule goes further by extending the more restrictive Southern California inspection intervals to all of Tier 3 of the High Fire Threat District *on a statewide basis*, thus eliminating the Northern - Southern California distinction. Additionally the proposed revision would specify minimum inspection intervals for Tier 2 of the High Fire Threat Area on a statewide basis.

- **The estimated costs of the PR, including, if available, costs incurred by IOUs, POUs, CIPs, and customers:**

The estimated costs of this PR cannot be ascertained until Tier 2 and Tier 3 of the High Fire Threat District is defined. However, it is in the public interest to reduce fire risks as soon as possible especially during an area's designated fire season, which is the period that poses the highest probability of a catastrophic fire event. By mandating more frequent inspection cycles to identify such risks, it will minimize the risk of a catastrophic fire event from occurring and also increase public safety.

- o **Whether and how the costs will be recovered from customers:**

With respect to costs incurred, the investor-owned utilities (IOUs) may track and recover costs associated with implementing the new rule in the same manner as was approved by the Commission in Phase 3, Track 1 and 2 of Rulemaking (R.) 08-11-005.<sup>30</sup> Companies that are not rate-of-return regulated entities may recover costs in any legally permissible manner, including through line-item charges or increased fees for services.

- o **Whether and how costs will be shared among electric utilities, CIPs, and others:**

Costs will be borne by the owner of the communications lines being inspected.

- **If the PR applies to electric transmission, why the regulations does not conflict with other federal or state regulations:**

This PR does not apply to electric transmission.

- **The timeframe for implementing the PR:**

The PR should become effective within 18 months after the Commission adopts a new Fire Threat Map.

- **Why it is in the public interest to adopt the PR:**

The proposed revision continues the existing requirements established in R.08-11-005 which require communication companies to patrol and inspect their overhead lines more frequently in areas of increased fire risk and complies with the requirement in D.17-01-009 to transfer certain high fire-threat areas on the interim fire-threat maps to Tier 3 areas in Southern California. However, the current proposed rule goes further by extending the more restrictive Southern California inspection intervals to all of Tier 3 of the High Fire Threat District on a statewide basis, thus eliminating the Northern - Southern California distinction. Additionally the proposed revision would specify minimum inspection intervals for all of Tier 2 of the High Fire Threat Area.

- **Whether the PR is exempt from the California Environmental Quality Act (CEQA) and/or the National Environmental Policy Act (NEPA) and, if so, why. Any**

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<sup>30</sup> D.14-02-015.

**assertion that CEQA and NEPA do not apply must cite the relevant statutes and/or regulations where the exemption is listed. Conversely, any assertion that CEQA and/or NEPA do apply must (1) cite the relevant statutes and/or regulations that show this, and (2) list the steps that need to occur under CEQA and/or NEPA before the PR can be adopted:**

This proposal is exempt from environmental review under Section 15378 of the California Environmental Quality Act (CEQA) Guidelines because it is not a “project” under CEQA and will not have any potentially significant impact on the environment. NEPA does not apply because adoption of the proposed rule change does not constitute action by a federal agency within the meaning of 42 USC § 4332.

- **Criteria regarding (1) where the PR should apply with respect to new installations and reconstruction in the High Fire-Threat District; and (2) whether existing facilities in the High Fire-Threat District should be retrofitted or replaced to conform to the PRs. (*These criteria should include methods for: (a) Estimating the costs and safety benefits of the PRs, and (b) weighing the costs and safety benefits.*):**

This PR would apply to both new and existing installations that are in Tier 2 and Tier 3 of the High Fire Threat District. The PR does not require analysis of whether overhead line facilities in the High Fire Threat District should be retrofitted or replaced to conform to the PR.

- **A detailed summary of any ancillary issues with a direct nexus to the PR:**

No ancillary issues with a direct nexus to the PR have been identified.

- **Other matters to be considered:**

No other matters for consideration have been identified.

### **III. POSITION OF PARTIES**

- **Comments in Support**

#### **Liberty CalPeco**

Liberty CalPeco generally supports the inspection intervals contained in PR-16, AP-2 for Tier 2 and Tier 3. Notably, PR-16, AP-2 removes the language that CIPs have discretion to adjust the boundaries of the map. Liberty CalPeco’s only concern is that the longest inspection interval within PR-16, AP-2 is 15 years and the Fire Map is updated every 10 years. The Commission should clarify the implementation of this new inspection interval cycle to avoid any unintentional gaps in inspections (e.g., a new updated map should not re-start the inspection cycle).

#### **PacifiCorp**

PacifiCorp believes that this proposal is the appropriate middle ground among the various proposals for revising Rule 80.1A, including the proposal submitted by SDG&E in PR—15 and the CIP proposal submitted as PR—16 AP—1. Generally, PacifiCorp believes documented

issues with CIP facilities supports an increase in CIP patrol and inspection cycles generally but particularly in areas designated as tiers 2 and 3 of the fire map. However, PacifiCorp recognizes that a steeper transition period would be required and a greater burden imposed on the CIPS if PR-15 were implemented and believes that the requirements set forth in PR—16 AP-2 are sufficient to achieve a significant reduction of fire risk in areas within tiers 2 and 3 of the fire map.

## **PG&E**

General Order 165 provides for both patrol inspection and detailed inspection intervals for electric facilities. For overhead conductors in rural areas, GO 165 requires patrols every two years and detailed inspections every 5 years. This rule provides a reasonable patrol and detailed inspection interval to ensure that communication facilities receive regular inspections to identify and address problems before those problems can compromise fire safety.

- **Comments in Opposition**

## **IBEW 1245**

IBEW 1245 does not support this rule. The expanded timeline for inspections for detailed inspections to a 15 year interval for Tier 2 areas is not prudent.

## **SED**

SED supports PR 15 and opposes PR 16, PR 16-AP1, and PR 16-AP2.

All four (4) PRs and APs identified above address changes to GO 95, Rule 80.1A and are thus related. PR 16, as is the case with all FSTP-sponsored PRs, is simply a literal interpretation of the instructions in Decision (D.) 17-01-009. In other words, all FSTP PRs only update the map reference from the interim maps to the new statewide Fire Threat Map, and convert the applicable area of the specific rule from certain tiers/zones on the interim map(s) to Tier 3 of the High Fire Threat District (HFTD), as directed by Ordering Paragraph (OP) 10 in D.17-01-009. PR 16-AP1 keeps the updated map reference changes from PR 16, however also eliminates a northern/southern California delineation which carried over from the predecessor proceeding (i.e. R.08-11-005). PR 16-AP2 aligns with the changes in PR 16-AP1, however, this PR expands the scope for communication infrastructure inspections to Tier 2 of the HFTD as well. PR 16-AP2 proposes five (5) year and 15 year inspection cycles for patrol and detailed inspections, respectively, in Tier 2. PR 15 makes changes identical to PR 16-AP2, but increases the frequency for patrol and detailed inspections in Tier 2 to two (2) and eight (8) years, respectively.

Tier 2, as described in D.17-01-009, identifies areas throughout the state where there is an “elevated” risk for a catastrophic wildfire event, given an ignition sparked by overhead utility facilities. These areas of “elevated” fire risk are identified and developed by the state’s own fire agency (i.e. CAL FIRE), a group of independent subject matter experts under CAL FIRE’s direction, and with extensive consultation and input from utility experts and stakeholder experts. As such, SED contends that these Tier 2 areas, identified as having an “elevated” risk of catastrophic wildfire, certainly warrant some type of inspections. Neither PR 16 nor PR 16-AP1

propose any inspection requirements in Tier 2 of the HFTD and should thusly be rejected. While PR 16-AP2 proposes patrol and detailed inspections in Tier 2 of the HFTD by mandating five (5) and 15 year patrol and detailed inspection intervals, respectively, in SED's opinion these intervals are far too infrequent and could have potentially disastrous ramifications for public safety.

SED concludes that among the four (4) proposed revisions to GO 95, Rule 80.1A, PR 15 is most closely aligned with the intent and goals of this proceeding. For the reasons stated above and those described in the justification section of PR 15, SED opposes PR 16-AP2 and urges the Commission to instead adopt the changes proposed in PR 15.

## **TURN**

TURN supports the adoption of reasonable regulations to improve the safety of utility facilities. In reviewing any new or modified regulations, however, the Commission must weigh the benefits and costs of proposed changes that would have more than a de minimis cost impact on customers. There are, and always will be, many opportunities to improve safety, but ratepayer funds are limited and must not be exhausted on regulatory compliance efforts that are not cost-effective. Under California law, all utility spending for any purpose, including safety, must be justified under Public Utilities Code Section 454(a) and must meet the just and reasonable standard of Section 451. The proponent of this proposed rule, however, states that the estimated costs of this proposed rule cannot be ascertained until Tier 3 of the High Fire Threat District is defined.

This proposed rule would modify existing inspection requirements for joint-use poles in high fire threat areas. The proposed rule would remove the distinction between northern and southern California and apply the Southern California inspection cycles (Patrol ever 1 year, Detailed inspection every 5 years) statewide to Tier 3 areas and specify minimum inspection intervals for Tier 2 areas statewide. It is highly likely that this modification will have significant cost impacts given that the proposed rule would expand the most stringent inspection cycle requirements across the entire state as well as create a statewide, tier 2 inspection requirement. At this time, however, it is impossible to understand the impacts of this rule since the proponent could not provide cost estimates. There is insufficient information with which to determine either the cost-effectiveness or the reasonableness of this proposed rule, and TURN, therefore, opposes this proposed rule.

- **Final Vote:**

<b>PARTIES</b>	<b>NOT PRESENT</b>	<b>YES</b>	<b>NEUTRAL</b>	<b>NO</b>
AT&T			X	
BVES			X	
CALTEL	X			
CCTA		X		
CFBF	X			
Charter Comm.		X		
City of Laguna Beach			X	
CMUA				X
Comcast			X	
Consolidated Comm.			X	
Cox Comm.		X		
Crown Castle		X		
CTIA		X		
ExteNet	X			
IBEW 1245				X
LA County Fire				X
LADWP				X
Liberty CalPeco		X		
Mussey Grade Road Alliance			X	
PacifiCorp		X		
PG&E		X		
SED				X
SCE			X	
SDG&E				X
Small LECS			X	
SMUD				X
Sprint-Nextel	X			
T-Mobile			X	
TURN				X
Frontier		X		
Verizon Wireless	X			



**I. PROPOSED *REVISION TO GENERAL ORDER 95, RULE 80.1B*****A. Current Rule****80.1 Inspection Requirements for Communication Lines:****B. Intrusive Inspections**

Wood poles in high fire-threat areas that support only Communication Lines or equipment shall be intrusively inspected in accordance with the schedule established in General Order 165 if they are:

- Interset between joint-use poles supporting supply lines in the high fire threat areas of Southern California.
- Within three spans of a joint-use pole supporting supply lines in the high fire-threat areas of Southern California.
- Within one span of a joint-use pole supporting supply lines in the high fire-threat areas of Northern California.

For the purpose of this rule, the high fire-threat areas in Southern California are Extreme and Very High Fire Threat Zones in the following counties: Imperial, Los Angeles, Orange, Riverside, Santa Barbara, San Bernardino, San Diego, and Ventura. Extreme and Very High Fire Threat Zones are defined by California Department of Forestry and Fire Protection's Fire and Resource Assessment Program (FRAP) Fire Threat Map

The high fire threat areas in Northern California are areas designated as Threat Classes 3 and 4 on the Reax Map adopted in Decision 12-01-032 issued in Phase 2 of Rulemaking 08-11-005. The FRAP Fire Threat Map and Reax Map are to be used to establish approximate boundaries. Communications Infrastructure Providers (CIPs) should use their own expertise and judgment to determine if local conditions require them to adjust the boundaries of the map.

For wood pole intrusive inspections, the term "year" is defined as a calendar year.

CIPs shall maintain records for the life of the pole that provide the following information for each wood pole subject to this rule: The location of the pole, the date of each intrusive inspection, the results of each inspection, the personnel who performed each intrusive inspections, the date and description of each corrective action, and the personnel who performed each correction action. Commission staff may inspect records consistent with Public Utilities Code Section 314(a).

**B. Proposed Revisions Shown with Strikeout/Underline**

**80.1 Inspection Requirements for Communication Lines:**

**B. Intrusive Inspections in the High Fire Threat District**

Wood poles in ~~high Tier 3 fire-threat areas~~ that support only Communication Lines or equipment shall be intrusively inspected in accordance with the schedule established in General Order 165 if they are:

- Interset between joint-use poles supporting supply lines in ~~the high fire-threat areas of~~ Southern California.
- Within three spans of a joint-use pole supporting supply lines in ~~the high fire-threat areas of~~ Southern California.
- Within one span of a joint-use pole supporting supply lines in ~~the high fire-threat areas of~~ Northern California.

For the purpose of this rule, ~~the high fire-threat areas in Southern California are Extreme and Very High Fire Threat Zones in the following counties: Imperial, Los Angeles, Orange, Riverside, Santa Barbara, San Bernardino, San Diego, and Ventura. Extreme and Very High Fire Threat Zones are defined by California Department of Forestry and Fire Protection's Fire and Resource Assessment Program (FRAP) Fire Threat Map~~ "Southern California" is defined as the following: Imperial, Los Angeles, Orange, Riverside, Santa Barbara, San Bernardino, San Diego, and Ventura Counties. "Northern California" is defined as all other counties in California.

~~The high fire-threat areas in Northern California are areas designated as Threat Classes 3 and 4 on the Reax Map adopted in Decision 12-01-032 issued in Phase 2 of Rulemaking 08-11-005. The FRAP Fire Threat Map and Reax Map are to be used to establish approximate boundaries.~~ Communications Infrastructure Providers (CIPs) should use their own expertise and judgment to determine if local conditions require them to adjust the boundaries of the map.

For wood pole intrusive inspections, the term "year" is defined as a calendar year.

CIPs shall maintain records for the life of the pole that provide the following information for each wood pole subject to this rule: The location of the pole, the date of each intrusive inspection, the results of each inspection, the personnel who performed each intrusive inspections, the date and description of each corrective action, and the personnel who performed each correction action. Commission staff may inspect records consistent with Public Utilities Code Section 314(a).

### **C. Proposed Final Version**

#### **80.1 Inspection Requirements for Communication Lines:**

##### **B. Intrusive Inspections in the High Fire Threat District**

Wood poles in Tier 3 that support only Communication Lines or equipment shall be intrusively inspected in accordance with the schedule established in General Order 165 if they are:

- Interset between joint-use poles supporting supply lines in Southern California.
- Within three spans of a joint-use pole supporting supply lines in Southern California.
- Within one span of a joint-use pole supporting supply lines in Northern California.

For the purpose of this rule, “Southern California” is defined as the following: Imperial, Los Angeles, Orange, Riverside, Santa Barbara, San Bernardino, San Diego, and Ventura Counties. “Northern California” is defined as all other counties in California.

Communications Infrastructure Providers (CIPs) should use their own expertise and judgment to determine if local conditions require them to adjust the boundaries of the map.

For wood pole intrusive inspections, the term “year” is defined as a calendar year.

CIPs shall maintain records for the life of the pole that provide the following information for each wood pole subject to this rule: The location of the pole, the date of each intrusive inspection, the results of each inspection, the personnel who performed each intrusive inspections, the date and description of each corrective action, and the personnel who performed each correction action. Commission staff may inspect records consistent with Public Utilities Code Section 314(a).

## **II. JUSTIFICATION**

- **Specific electric utilities, CIPs, and others affected:**

This revised rule would be applicable to CIPs and companies that own/operate overhead communication lines in California.

- **Geographic Areas where the rule will apply:**

The revised rule would apply in Tier 3 of the High Fire Threat District throughout California.

- **How the PR reduces or otherwise addresses fire hazards and/or risks in the High Fire-Threat District:**

The proposed revision continues the existing requirements established in R.08-11-005 which requires communication companies to intrusively test certain wood poles that are located in high fire risk areas, and also continues with more stringent requirements for poles located in Southern California, in accordance with the schedule established in GO 165.

- **The estimated costs of the PR, including, if available, costs incurred by IOUs, POUs, CIPs, and customers:**

A cost /benefit analysis for this proposed revision was not performed. In D.17-01-009 the Commission concluded that public safety requires the most restrictive fire-safety regulations which currently apply only to certain high fire-threat areas on the interim fire-threat maps, should transfer automatically to Tier 3 (of the High Fire Threat District) areas in Southern California. Because the final Shape B map is not available, an analysis and comparison of Tier 3 of the High Fire Threat District to the Threat Classes 3 and 4 of the REAX Map and Extreme and Very High Fire Threat Zones depicted on the FRAP Fire Threat Map could not be performed.

- o **Whether and how the costs will be recovered from customers:**

The necessary cost recovery from customers has not been determined because the final Shape B map is not available and analysis and comparison of Tier 3 (of the High Fire Threat District) to the Threat Classes 3 and 4 of the REAX Map and Extreme and Very High Fire Threat Zones depicted on the FRAP Fire Threat Map could not be performed.

- o **Whether and how costs will be shared among electric utilities, CIPs, and others:**

The necessary cost sharing between electric utilities, CIPs, and others has not been determined because the final Shape B map is not available and analysis and comparison of Tier 3 (of the High Fire Threat District) to the Threat Classes 3 and 4 of the REAX Map and Extreme and Very High Fire Threat Zones depicted on the FRAP Fire Threat Map could not be performed.

- **If the PR applies to electric transmission, why the regulations does not conflict with other federal or state regulations:**

The revised rule does not apply to electric transmission.

- **The timeframe for implementing the PR:**

The revised rule should become effective 12-months after Commission's adoption of the final Shape B to allow CIPs and other jurisdictional companies' adequate time to evaluate and revise their wood pole intrusive test programs.

- **Why it is in the public interest to adopt the PR:**

The proposed revision continues the existing requirements established in R.08-11-005 which requires companies that own/operate overhead communication lines to intrusively test certain wood poles more frequently in Southern California than required in Northern California.

- **Whether the PR is exempt from the California Environmental Quality Act (CEQA) and/or the National Environmental Policy Act (NEPA) and, if so, why. Any assertion that CEQA and NEPA do not apply must cite the relevant statutes and/or regulations where the exemption is listed. Conversely, any assertion that CEQA and/or NEPA do apply must (1) cite the relevant statutes and/or regulations that show this, and (2) list the steps that need to occur under CEQA and/or NEPA before the PR can be adopted:**

This proposed revision is exempt from environmental review under Section 15378 of the California Environmental Quality Act (CEQA) Guidelines because it is not a “project” under CEQA and will not have any potentially significant impact on the environment. NEPA does not apply because adoption of the proposed rule change does not constitute action by a federal agency within the meaning of 42 USC § 4332.

- **Criteria regarding (1) where the PR should apply with respect to new installations and reconstruction in the High Fire-Threat District; and (2) whether existing facilities in the High Fire-Threat District should be retrofitted or replaced to conform to the PRs. *(These criteria should include methods for: (a) Estimating the costs and safety benefits of the PRs, and (b) weighing the costs and safety benefits.)*:**

This proposed revision should not require: new criteria with respect to new installations or reconstruction in the High Fire Threat District; or, a determination as to whether or not existing facilities in the High Fire Threat District should be retrofitted or replaced.

- **A detailed summary of any ancillary issues with a direct nexus to the PR:**

This revised rule relies, in part, on the adoption of a new definition for High Fire Threat District being added to GO 95 as described in PR-23.

- **Other matters to be considered:**

As noted above, because the final Shape B map is not available, an analysis and comparison of Tier 3 of the High Fire Threat District to the Threat Classes 3 and 4 of the REAX Map and Extreme and Very High Fire Threat Zones depicted on the FRAP Fire Threat Map could not be performed.

### III. POSITION OF PARTIES

- **Comments in Support**

None

- **Comments in Opposition**

#### **TURN**

TURN supports the adoption of reasonable regulations to improve the safety of utility facilities. In reviewing any new or modified regulations, however, the Commission must weigh the benefits and costs of proposed changes that would have more than a de minimis cost impact on customers. There are, and always will be, many opportunities to improve safety, but ratepayer funds are limited and must not be exhausted on regulatory compliance efforts that are not cost-effective. Under California law, all utility spending for any purpose, including safety, must be justified under Public Utilities Code Section 454(a) and must meet the just and reasonable standard of Section 451. The proponent of this proposed rule states that, “Because the final Shape B map is not available, an analysis and comparison of Tier 3 (of the High Fire Threat District) to Extreme and Very High Fire Threat Zones in the FRAP map could not be performed.” For the same reason, the proponent could not determine necessary cost recovery or cost sharing mechanisms.

The proponent of this rule states, “In D.17-01-009 the Commission concluded that public safety requires the most restrictive fire-safety regulations which currently apply only to certain high fire-threat areas on the interim fire-threat maps, should transfer automatically to Tier 3 of the High Fire Threat District in Southern California.” TURN understand that the transfer required by D.17-01-009 is not intended to significantly broaden the application of this rule, but there is insufficient information with which to determine the full impact of the proposed changes or assess the cost-effectiveness or reasonableness of this proposed rule. Given the potential cost impacts of changes to inspection cycles for intrusive inspections, TURN cannot provide a final vote in support of this rule without additional information on the potential costs of this modification.

For the reasons given above, TURN, opposes this proposed rule.

- **Final Vote:**

<b>PARTIES</b>	<b>NOT PRESENT</b>	<b>YES</b>	<b>NEUTRAL</b>	<b>NO</b>
AT&T		X		
BVES		X		
CALTEL	X			
CCTA		X		
CFBF	X			
Charter Comm.		X		
City of Laguna Beach			X	
CMUA		X		
Comcast		X		
Consolidated Comm.		X		
Cox Comm.		X		
Crown Castle		X		
CTIA		X		
ExteNet	X			
IBEW 1245			X	
LA County Fire			X	
LADWP		X		
Liberty CalPeco			X	
Mussey Grade Road Alliance			X	
PacifiCorp		X		
PG&E		X		
SED			X	
SCE		X		
SDG&E		X		
Small LECS		X		
SMUD			X	
Sprint-Nextel	X			
T-Mobile		X		
TURN				X
Frontier		X		
Verizon Wireless	X			

**I. PROPOSED *REVISION TO GENERAL ORDER 95* RULE 91.1****A. Current Rule****91.1 Joint Use**

Joint use of poles shall be given consideration by all interested parties where construction or reconstruction is involved and where used it shall be subject to the appropriate grade of construction as specified in Section IV.

Nothing herein shall be construed as requiring utilities to use poles jointly, or as granting authority for the use of any poles without the owner's consent.

Each utility should definitely designate its space requirements on joint poles, which space shall not be occupied without consent, by equipment of any other utility.

Non-climbable metal poles in partial underground construction (see Rules 22.6–D and 22.5) shall not be jointly used.

**B. Proposed Revisions Shown with Strikeout/Underline****91.1 Joint Use**

Joint use of poles shall be given consideration by all interested parties where construction or reconstruction is involved and where used it shall be subject to the appropriate grade of construction as specified in Section IV.

Nothing herein shall be construed as requiring utilities to use poles jointly, or as granting authority for the use of any poles without the owner's consent.

In Tiers 2 and 3 of the High Fire Threat District, all attachments must have the consent of a pole owner or granting authority prior to any construction. Any attachment without consent can be reported to the Commission.

Each utility should definitely designate its space requirements on joint poles, which space shall not be occupied without consent, by equipment of any other utility.

Non-climbable metal poles in partial underground construction (see Rules 22.6–D and 22.5) shall not be jointly used.

**C. Proposed Final Version****91.1 Joint Use**

Joint use of poles shall be given consideration by all interested parties where construction or reconstruction is involved and where used it shall be subject to the appropriate grade of construction as specified in Section IV.



Nothing herein shall be construed as requiring utilities to use poles jointly, or as granting authority for the use of any poles without the owner's consent.

In Tiers 2 and 3 of the High Fire Threat District, all attachments must have the consent of a pole owner or granting authority prior to any construction. Any attachment without consent can be reported to the Commission.

Each utility should definitely designate its space requirements on joint poles, which space shall not be occupied without consent, by equipment of any other utility.

Non-climbable metal poles in partial underground construction (see Rules 22.6–D and 22.5) shall not be jointly used.

## II. JUSTIFICATION

- **Specific electric utilities, CIPs, and others affected:**

This would affect all companies that have facilities within Tiers 2 & 3 of the High Fire-Threat District.

- **Geographic Areas where the rule will apply:**

The addition to the rule will apply to Tiers 2 & 3 of the High Fire-Threat District.

- **How the PR reduces or otherwise addresses fire hazards and/or risks in the High Fire-Threat District:**

Due to the heightened awareness and necessity for pole loading and who is attached to a pole, it is relevant to have the proper authorization prior to attaching. The interested party should submit and abide by the application process set forth by the owner of the pole. In any region, there are known local conditions that the pole owner is aware of. It is imperative that these known local conditions are taken in to consideration when an interested party is wanting to attach. The review of these conditions will result in a fair and proper approval process.

The Malibu Canyon Fire was started when three wooden utility poles came down in a windstorm and the downed power lines sparked a vegetation fire. A California Public Utility Commission staff report determined that the three utility poles were not in compliance with the safety and engineering rules in General Order 95, and that they would have been able to withstand the wind gusts if they had been in compliance. The California Public Utilities Commission ultimately approved settlement agreements between all the joint owners involved. Among the admissions made as part of the settlement agreement, one party admitted having placed attachments on a pole despite having been informed that the attachments would overload the pole, i.e. cause it to become too heavy, in violation of General Order 95.” (A Natural History of the Wooden Utility Pole (CPUC Policy and Planning Division, June 2017) Section 6, “Safety” at p. 20)

There have been other incidents where poles have failed, in large part, due to an unauthorized attachment overloading a pole. Had the proper review process happened, these incidents most likely would have not occurred.

- **The estimated costs of the PR, including, if available, costs incurred by IOUs, POUs, CIPs, and customers:**

As it is not yet known where these rules will apply (Fire Map 2 is not yet finalized into Shape B and will not be final for approximately 4 to 6 more months, per the Picker PD dated May 25, 2017) SDG&E is not able at this time to provide detailed cost estimates, or cost-benefit comparisons.

It is difficult to calculate the total cost as it will vary from company to company depending on how many structures a company is considering attaching to in Tier 2 & Tier 3 but it is the belief that there will be no additional costs. Companies have a current process for approving applications. The intent of the PR is to ensure that all interested parties adhere to the current application process and only attach after an application is approved and no sooner.

- o **Whether and how the costs will be recovered from customers:**

To the extent there are costs associated with implementing this PR, entities will either recover them through the appropriate Commission cost recovery procedures if they are rate regulated or, if not, they will absorb the costs or pass them on to consumers.

- o **Whether and how costs will be shared among electric utilities, CIPs, and others:**

It is not anticipated that costs will be shared among companies.

- **If the PR applies to electric transmission, why the regulations does not conflict with other federal or state regulations:**

Since there is no change to the requirement to attach to electric transmission, there is no anticipated conflict with federal or state regulations.

- **The timeframe for implementing the PR:**

It is the belief that since the application process should already be carried out the timeframe for implementing should be as soon as the PR is adopted.

- **Why it is in the public interest to adopt the PR:**

Due to the high fire risk with respect to an overloaded pole and the potential for a pole failure it is important to ensure that all known local conditions have been accounted for. This risk has been validated by multiple incidents of pole failures due to overloaded poles by unauthorized attachments. By attaching after the full application process has been completed will minimize the risk of another catastrophic fire event occurring and increase public safety.

- **Whether the PR is exempt from the California Environmental Quality Act (CEQA) and/or the National Environmental Policy Act (NEPA) and, if so, why. Any assertion that CEQA and NEPA do not apply must cite the relevant statutes and/or regulations where the exemption is listed. Conversely, any assertion that CEQA and/or NEPA do apply must (1) cite the relevant statutes and/or regulations that show this, and (2) list the steps that need to occur under CEQA and/or NEPA before the PR can be adopted:**

This proposal is exempt from environmental review under Section 15378 of the California Environmental Quality Act (CEQA) Guidelines because it is not a “project” under CEQA and will not have any potentially significant impact on the environment. NEPA does not apply because adoption of the proposed rule change does not constitute action by a federal agency within the meaning of 42 USC § 4332.

- **Criteria regarding (1) where the PR should apply with respect to new installations and reconstruction in the High Fire-Threat District; and (2) whether existing facilities in the High Fire-Threat District should be retrofitted or replaced to conform to the PRs. *(These criteria should include methods for: (a) Estimating the costs and safety benefits of the PRs, and (b) weighing the costs and safety benefits.):***

The PR should apply to both new and existing facilities that are in the Tier 2 & Tier 3 of the High Fire-Threat District. Since the PR is impacting facilities with new attachments, it applies to all facilities in those areas.

- **A detailed summary of any ancillary issues with a direct nexus to the PR:**

No ancillary issues with a direct nexus to the PR have been identified.

- **Other matters to be considered:**

No other matters to be considered have been identified.

### **III. POSITION OF PARTIES**

- **Comments in Support**

#### **IBEW 1245**

IBEW 1245 supports this proposed rule. Pole owners in Tier 2 and 3 in the HFTD should have the authority to control attachments in their jurisdiction. The risks of wildfires should override any other concerns by parties who attach without appropriate consent by the pole owners.

- **Comments in Opposition**

#### **The CIP Coalition**

This proposed rule is identical in content to PR 6, with the difference in the proposals resting with the location of the rule in General Order 95. PR 6 would modify Rule 31.1, while PR 18

would modify Rule 91.1. The CIP Coalition does not support PR 6, and incorporates in this opposition to PR 6 its arguments in opposition to PR 18.

- **Final Vote:**

<b>PARTIES</b>	<b>NOT PRESENT</b>	<b>YES</b>	<b>NEUTRAL</b>	<b>NO</b>
AT&T				X
BVES			X	
CALTEL	X			
CCTA				X
CFBF	X			
Charter Comm.				X
City of Laguna Beach			X	
CMUA		X		
Comcast				X
Consolidated Comm.				X
Cox Comm.				X
Crown Castle				X
CTIA				X
ExteNet	X			
IBEW 1245		X		
LA County Fire			X	
LADWP		X		
Liberty CalPeco			X	
Mussey Grade Road Alliance			X	
PacifiCorp			X	
PG&E			X	
SED			X	
SCE			X	
SDG&E		X		
Small LECS				X
SMUD		X		
Sprint-Nextel	X			
T-Mobile				X
TURN			X	
Frontier				X
Verizon Wireless	X			

**I. PROPOSED *REVISION TO GENERAL ORDER 95*, APPENDIX E TABLE****A. Current Rule****Appendix E – Guidelines to Rule 35**

The following are guidelines to Rule 35.

The radial clearances shown below are recommended minimum clearances that should be established, at time of trimming, between the vegetation and the energized conductors and associated live parts where practicable. Reasonable vegetation management practices may make it advantageous for the purposes of public safety or service reliability to obtain greater clearances than those listed below to ensure compliance until the next scheduled maintenance. Each utility may determine and apply additional appropriate clearances beyond clearances listed below, which take into consideration various factors, including: line operating voltage, length of span, line sag, planned maintenance cycles, location of vegetation within the span, species type, experience with particular species, vegetation growth rate and characteristics, vegetation management standards and best practices, local climate, elevation, fire risk, and vegetation trimming requirements that are applicable to State Responsibility Area lands pursuant to Public Resource Code Sections 4102 and 4293.

<b>Voltage of Lines</b>	<b>Case 13 of Table 1</b>	<b>Case 14 of Table 1</b>
Radial clearances for any conductor of a line operating at 2,400 or more volts, but less than 72,000 volt	4 feet	6.5 feet
Radial clearances for any conductor of a line operating at 72,000 or more volts, but less than 110,000 volts	6 feet	10 feet
Radial clearances for any conductor of a line operating at 110,000 or more volts but less than 300,000 volts	10 feet	20 feet
Radial clearance for any conductor of a line operating at 300,000 or more volts	15 feet	20 feet

Note: Added November 6, 1992 by Resolution SU-15 and revised September 20, 1996 by Decision No. 96-09-097, August 20, 2009 by Decision No. 09-08-029 and January 12, 2012 by Decision No. 12-01-032

**B. Proposed Revised Rule Shown with Strikeout/Underline****Appendix E – Guidelines to Rule 35**

The following are guidelines to Rule 35.

The radial clearances shown below are recommended minimum clearances that should be established, at time of trimming, between the vegetation and the energized conductors and associated live parts where practicable. Reasonable vegetation management practices may make it advantageous for the purposes of public safety or service reliability to obtain greater clearances than those listed below to ensure compliance until the next scheduled maintenance. Each utility may determine and apply additional appropriate clearances beyond clearances listed below, which take into consideration various factors, including: line operating voltage, length of span, line sag, planned maintenance cycles, location of vegetation within the span, species type, experience with particular species, vegetation growth rate and characteristics, vegetation management standards and best practices, local climate, elevation, fire risk, and vegetation trimming requirements that are applicable to State Responsibility Area lands pursuant to Public Resource Code Sections 4102 and 4293.

<b>Voltage of Lines</b>	<b>Case 13 of Table 1</b>	<b>Case 14 of Table 1</b>
Radial clearances for any conductor of a line operating at 2,400 or more volts, but less than 72,000 volt	4 feet	<del>6.5</del> <u>12</u> feet
Radial clearances for any conductor of a line operating at 72,000 or more volts, but less than 110,000 volts	6 feet	<del>10</del> <u>20</u> feet
Radial clearances for any conductor of a line operating at 110,000 or more volts but less than 300,000 volts	10 feet	<del>20</del> <u>30</u> feet
Radial clearance for any conductor of a line operating at 300,000 or more volts	15 feet	<del>20</del> <u>30</u> -feet

Note: Added November 6, 1992 by Resolution SU-15 and revised September 20, 1996 by Decision No. 96-09-097 , August 20, 2009 by Decision No. 09-08-029 and January 12, 2012 by Decision No. 12-01-032

### **C. Proposed Final Version**

## **Appendix E – Guidelines to Rule 35**

The following are guidelines to Rule 35.

The radial clearances shown below are recommended minimum clearances that should be established, at time of trimming, between the vegetation and the energized conductors and associated live parts where practicable. Reasonable vegetation management practices may make it advantageous for the purposes of public safety or service reliability to obtain greater clearances than those listed below to ensure compliance until the next scheduled maintenance. Each utility may determine and apply additional appropriate clearances beyond clearances listed below, which take into consideration various factors, including: line operating voltage, length of span, line sag, planned maintenance cycles, location of vegetation within the span, species type, experience with particular species, vegetation growth rate and characteristics, vegetation management standards and best practices, local climate, elevation, fire risk, and vegetation trimming requirements that are

applicable to State Responsibility Area lands pursuant to Public Resource Code Sections 4102 and 4293.

<b>Voltage of Lines</b>	<b>Case 13 of Table 1</b>	<b>Case 14 of Table 1</b>
Radial clearances for any conductor of a line operating at 2,400 or more volts, but less than 72,000 volt	4 feet	12 feet
Radial clearances for any conductor of a line operating at 72,000 or more volts, but less than 110,000 volts	6 feet	20 feet
Radial clearances for any conductor of a line operating at 110,000 or more volts but less than 300,000 volts	10 feet	30 feet
Radial clearance for any conductor of a line operating at 300,000 or more volts	15 feet	30-feet

Note: Added November 6, 1992 by Resolution SU-15 and revised September 20, 1996 by Decision No. 96-09-097, August 20, 2009 by Decision No. 09-08-029 and January 12, 2012 by Decision No. 12-01-032

## II. JUSTIFICATION

- **Specific electric utilities, CIPs, and others affected:**

The current recommended time-of-trim clearances in Case 14 of Table 1 are generally insufficient to maintain the required minimum clearance requirements in Rule 35. Customers often object to the post-trim clearances utilities must achieve to maintain compliance. The proposed increases to the recommended clearances will be better aligned with current utility practices of determining time-of-trim clearances. The increase in the recommended clearances in Case 14 will also help provide utilities justification and support when addressing trim clearances with customers.

- **Geographic Areas where the rule will apply:**

This proposal should be applicable to the High Fire Threat District.

- **How the PR reduces or otherwise addresses fire hazards and/or risks in the High Fire-Threat District:**

The PR would include a reduction in the number of customer refusals and the resulting costs (time / money) associated with that process. Benefits of establishing increased time-of-trim clearances would include: safer distances between trees and powerlines, increase ability to maintain compliance year round, improve mitigations effort for hazard trees, decrease in customer refusals, reduce frequency of tree trimming, proper tree trimming practices. This PR will help ensure consistency in northern and southern California as depicted in the CPUC's High Fire Threat District.



- **The estimated costs of the PR, including, if available, costs incurred by IOUs, POUs, CIPs, and customers:**

As it is not yet known where these rules will apply (Fire Map 2 is not yet finalized into Shape B and will not be final for approximately 4 to 6 more months, per the Picker PD dated May 25, 2017) SDG&E is not able at this time to provide detailed cost estimates, or cost-benefit comparisons.

Further, a cost/benefit analysis for this PR was not performed because it is anticipated that any cost impacts on CIPs and electric utilities will be negligible. Cost of the proposal would be relatively minor assuming utilities are currently following discretionary practices to maintain compliance year round. The PR would include a reduction in the number of customer refusals and the resulting costs (time / money) associated with that process.

- o **Whether and how the costs will be recovered from customers:**

To the extent there are costs associated with implementing this PR, entities will either recover them through the appropriate Commission cost recovery procedures if they are rate regulated or, if not, they will absorb the costs or pass them on to consumers.

- o **Whether and how costs will be shared among electric utilities, CIPs, and others:**

It is not anticipated that costs will be shared among companies.

- **If the PR applies to electric transmission, why the regulations does not conflict with other federal or state regulations:**

This PR does not conflict with State or Federal regulations as it seeks to expand applicability of existing GO 95 Rules to the CPUC's High Fire Threat District.

- **The timeframe for implementing the PR:**

Implementation of the approved clearances could be applied to the utilities' current annual work plans.

- **Why it is in the public interest to adopt the PR:**

This PR would further reduce the potential for vegetation and hazard tree contact with overhead electrical lines in areas with extreme risk of fire ignition.

- **Whether the PR is exempt from the California Environmental Quality Act (CEQA) and/or the National Environmental Policy Act (NEPA) and, if so, why. Any assertion that CEQA and NEPA do not apply must cite the relevant statutes and/or regulations where the exemption is listed. Conversely, any assertion that CEQA and/or NEPA do apply must (1) cite the relevant statutes and/or regulations that show this, and (2) list the steps that need to occur under CEQA and/or NEPA before the PR can be adopted:**

This PR is exempt from environmental review under Section 15378 of the California Environmental Quality Act (CEQA) Guidelines because it is not a “project” under CEQA and will not have any potentially significant impact on the environment. NEPA does not apply because adoption of the proposed rule change does not constitute action by a federal agency within the meaning of 42 USC § 4332.

- **Criteria regarding (1) where the PR should apply with respect to new installations and reconstruction in the High Fire-Threat District; and (2) whether existing facilities in the High Fire-Threat District should be retrofitted or replaced to conform to the PRs. *(These criteria should include methods for: (a) Estimating the costs and safety benefits of the PRs, and (b) weighing the costs and safety benefits.):***

The PR if adopted would apply to all current, newly constructed and or conversion of existing facilities in the High Fire Threat District. A cost/benefit analysis was not performed. This revised rule does not require a determination of whether overhead line facilities should be retrofitted or replaced to conform with this PR.

- **A detailed summary of any ancillary issues with a direct nexus to the PR:**

GO 95 Section III, Table 1, Case 14 currently reads “Radial clearance of bare line conductors from vegetation in Extreme and Very High Fire Threat Zones in Southern California” and needs rewording to reflect the High Fire Threat District verbiage being included elsewhere in GO95 revisions, as does note (hhh) of Table 1. SDG&E recommends that the Commission consider whether the tree mortality zone should also be included in Case 14. Ancillary PRs include PR-7, PR-7 Rev. AP-1 and PR-7 AP-2.

- **Other matters to be considered:**

None

### **III. POSITION OF PARTIES**

- **Comments in Support**

#### **IBEW 1245**

IBEW 1245 supports this proposed rule. The clearance distances are recommended guidelines and not actual Rule 35 clearances. These guidelines would serve as a persuasive device to help the electrical utilities achieve greater clearances.

- **Comments in Opposition**

**TURN**

TURN supports the adoption of reasonable regulations to improve the safety of utility facilities. In reviewing any new or modified regulations, however, the Commission must weigh the benefits and costs of proposed changes that would have more than a de minimis cost impact on customers. There are, and always will be, many opportunities to improve safety, but ratepayer funds are limited and must not be exhausted on regulatory compliance efforts that are not cost-effective. Under California law, all utility spending for any purpose, including safety, must be justified under Public Utilities Code Section 454(a) and must meet the just and reasonable standard of Section 451. The proponent of this proposed rule, however, states that a cost/benefit analysis was not performed as it is not yet known where these rules apply and that it is unable to provide detailed cost estimates or cost-benefit comparisons.

This proposed rule change increases the recommended clearances in Case 14 of Table 1. The proponent, SDG&E, states that the cost of implementing this revised rule would be relatively minor assuming utilities are currently following discretionary practices to maintain compliance year-round. It is unclear from the proposal whether other utilities follow the same practices as SDG&E. Given the lack of cost estimates from the proponent, there is insufficient information with which to determine either the cost-effectiveness or the reasonableness of this proposed rule, and TURN, therefore, opposes this proposed rule.

- **Final Vote:**

<b>PARTIES</b>	<b>NOT PRESENT</b>	<b>YES</b>	<b>NEUTRAL</b>	<b>NO</b>
AT&T			X	
BVES			X	
CALTEL	X			
CCTA			X	
CFBF	X			
Charter Comm.			X	
City of Laguna Beach			X	
CMUA				X
Comcast			X	
Consolidated Comm.			X	
Cox Comm.			X	
Crown Castle			X	
CTIA			X	
ExteNet	X			
IBEW 1245		X		
LA County Fire			X	
LADWP				X
Liberty CalPeco			X	
Mussey Grade Road Alliance			X	
PacifiCorp			X	
PG&E		X		
SED			X	
SCE		X		
SDG&E		X		
Small LECS			X	
SMUD				X
Sprint-Nextel	X			
T-Mobile			X	
TURN				X
Frontier				
Verizon Wireless	X			

I. PROPOSED *REVISION TO* GENERAL ORDER 165, TABLE 1, FOOTNOTE 1A. Current Rule

**Table 1**  
**Distribution Inspection Cycles (Maximum Intervals in Years)**

	Patrol		Detailed		Intrusive	
	Urban	Rural	Urban	Rural	Urban	Rural
<b>Transformers</b>						
Overhead	1	2 <sup>1</sup>	5	5	---	---
Underground	1	2	3	3	---	---
Padmounted	1	2	5	5	---	---
<b>Switching/Protective Devices</b>						
Overhead	1	2 <sup>1</sup>	5	5	---	---
Underground	1	2	3	3	---	---
Padmounted	1	2	5	5	---	---
<b>Regulators/Capacitors</b>						
Overhead	1	2 <sup>1</sup>	5	5	---	---
Underground	1	2	3	3	---	---
Padmounted	1	2	5	5	---	---
Overhead Conductor and Cables	1	2 <sup>1</sup>	5	5	---	---
Streetlighting	1	2	x	x	---	---
Wood Poles under 15 years	1	2	x	x	---	---
Wood Poles over 15 years which have not been subject to intrusive inspection	1	2	x	x	10	10
Wood poles which passed intrusive inspection	---	---	---	---	20	20

- (1) Patrol inspections in rural areas shall be increased to once per year in Extreme and Very High Fire Threat Zones in the following counties Imperial, Los Angeles, Orange, Riverside, Santa Barbara, San Bernardino, San Diego, and Ventura. Extreme and Very High Fire Threat Zones are designated on the Fire and Resource Assessment Program (FRAP) Map prepared by the California Department of Forestry and Fire Protection or the modified FRAP Map prepared by San Diego Gas & Electric Company (SDG&E) and adopted by Decision 12-01-032 in Phase 2 of Rulemaking 08-11-005. The fire-threat map is to be used to establish approximate boundaries and Utilities should use their own expertise and judgment to determine if local conditions require them to adjust the boundaries of the map.

Note: This General Order does not apply to cathodic protection systems associated with natural gas facilities.

Note: For the purpose of implementing the patrol and detailed inspection intervals in Table 1 above, the term “year” is defined as 12 consecutive calendar months starting the first full calendar month after an inspection is performed, plus three full calendar months, not to exceed the end of the calendar year in which the next inspection is due. A required inspection may be completed any time before the expiration of the associated inspection interval using this definition of “year,” but not after. The completion of an inspection starts a new inspection interval that must be completed within the prescribed timeframe using this definition of “year.” However, inspection intervals may be extended by up to six months in areas where the Governor of California or the President of the United States has declared an emergency or a disaster following a major earthquake or other catastrophe using the procedure set forth in Decision 13-06-011 issued in Rulemaking 08-11-005. The extension shall not exceed six months from the date that an emergency is declared or the date that a disaster is declared, whichever is earlier.

Note: For wood pole intrusive inspections, the term “year” is defined as a calendar year.

**B. Proposed Revisions Shown with Strikeout/Underline**

**Table 1**  
**Distribution Inspection Cycles (Maximum Intervals in Years)**

	Patrol		Detailed		Intrusive	
	Urban	Rural	Urban	Rural	Urban	Rural
<b>Transformers</b>						
Overhead	1	2 <sup>1</sup>	5	5	---	---
Underground	1	2	3	3	---	---
Padmounted	1	2	5	5	---	---
<b>Switching/Protective Devices</b>						
Overhead	1	2 <sup>1</sup>	5	5	---	---
Underground	1	2	3	3	---	---
Padmounted	1	2	5	5	---	---
<b>Regulators/Capacitors</b>						
Overhead	1	2 <sup>1</sup>	5	5	---	---
Underground	1	2	3	3	---	---
Padmounted	1	2	5	5	---	---
Overhead Conductor and Cables	1	2 <sup>1</sup>	5	5	---	---
Streetlighting	1	2	x	x	---	---
Wood Poles under 15 years	1	2	x	x	---	---
Wood Poles over 15 years which have not been subject to intrusive inspection	1	2	x	x	10	10
Wood poles which passed intrusive inspection	---	---	---	---	20	20

- (1) Patrol inspections in rural areas shall be increased to once per year in ~~Extreme and Very High Fire Threat Zones~~ Tier 3 of the High Fire Threat District (See GO 95 Rule 21.2-D) for Southern California, in the following counties Imperial, Los Angeles, Orange, Riverside, Santa Barbara, San Bernardino, San Diego, and Ventura. ~~Extreme and Very High Fire Threat Zones are designated on the Fire and Resource Assessment Program (FRAP) Map prepared by the California Department of Forestry and Fire Protection or the modified FRAP Map prepared by San Diego Gas & Electric Company (SDG&E) and adopted by Decision 12-01-032 in Phase 2 of Rulemaking 08-11-005. The fire threat map is to be used to establish approximate boundaries and Utilities should use their own expertise and judgment to determine if local conditions require them to adjust the boundaries of the map.~~ Southern California is defined as the following: Imperial, Los Angeles, Orange, Riverside, Santa Barbara, San Bernardino, San Diego, and Ventura Counties.

Note: This General Order does not apply to cathodic protection systems associated with natural gas facilities.

Note: For the purpose of implementing the patrol and detailed inspection intervals in Table 1 above, the term “year” is defined as 12 consecutive calendar months starting the first full calendar month after an inspection is performed, plus three full calendar months, not to exceed the end of the calendar year in which the next inspection is due. A required inspection may be completed any time before the expiration of the associated inspection interval using this definition of “year,” but not after. The completion of an inspection starts a new inspection interval that must be completed within the prescribed timeframe using this definition of “year.” However, inspection intervals may be extended by up to six months in areas where the Governor of California or the President of the United States has declared an emergency or a disaster following a major earthquake or other catastrophe using the procedure set forth in Decision 13-06-011 issued in Rulemaking 08-11-005. The extension shall not exceed six months from the date that an emergency is declared or the date that a disaster is declared, whichever is earlier.

Note: For wood pole intrusive inspections, the term “year” is defined as a calendar year.

**C. Proposed Final Version**

**Table 1  
Distribution Inspection Cycles (Maximum Intervals in Years)**

	Patrol		Detailed		Intrusive	
	Urban	Rural	Urban	Rural	Urban	Rural
<b>Transformers</b>						
Overhead	1	2 <sup>1</sup>	5	5	---	---
Underground	1	2	3	3	---	---
Padmounted	1	2	5	5	---	---
<b>Switching/Protective Devices</b>						
Overhead	1	2 <sup>1</sup>	5	5	---	---
Underground	1	2	3	3	---	---
Padmounted	1	2	5	5	---	---
<b>Regulators/Capacitors</b>						
Overhead	1	2 <sup>1</sup>	5	5	---	---
Underground	1	2	3	3	---	---
Padmounted	1	2	5	5	---	---
Overhead Conductor and Cables	1	2 <sup>1</sup>	5	5	---	---
Streetlighting	1	2	x	x	---	---
Wood Poles under 15 years	1	2	x	x	---	---
Wood Poles over 15 years which have not been subject to intrusive inspection	1	2	x	x	10	10
Wood poles which passed intrusive inspection	---	---	---	---	20	20

- (1) Tier 3 of the High Fire Threat District (See GO 95 Rule 21.2-D) for Southern California. Southern California is defined as the following: Imperial, Los Angeles, Orange, Riverside, Santa Barbara, San Bernardino, San Diego, and Ventura Counties.

Note: This General Order does not apply to cathodic protection systems associated with natural gas facilities.

Note: For the purpose of implementing the patrol and detailed inspection intervals in Table 1 above, the term “year” is defined as 12 consecutive calendar months starting the first full calendar month after an inspection is performed, plus three full calendar months, not to exceed the end of the calendar year in which the next inspection is due. A required inspection may be completed any time before the expiration of the associated inspection interval using this definition of “year,” but not after. The completion of an inspection starts a new inspection interval that must be completed within the prescribed timeframe using this definition of “year.” However, inspection intervals may be extended by up to six months in areas where the Governor of California or the President of the United States has declared an emergency or a disaster following a major earthquake or other catastrophe



using the procedure set forth in Decision 13-06-011 issued in Rulemaking 08-11-005. The extension shall not exceed six months from the date that an emergency is declared or the date that a disaster is declared, whichever is earlier.

Note: For wood pole intrusive inspections, the term “year” is defined as a calendar year.

## **II. JUSTIFICATION**

- **Specific electric utilities, CIPs, and others affected:**

This revised regulation would be applicable to jurisdictional electric utilities that own/operate overhead electric lines in Southern California.

- **Geographic Areas where the rule will apply:**

GO 165 would continue to apply throughout California. The revised regulation would apply to Tier 3 of the High Fire Threat District in Southern California.

- **How the PR reduces or otherwise addresses fire hazards and/or risks in the High Fire-Threat District:**

The revised regulation would transfer the existing patrol inspection requirement for rural areas in Southern California (established in R.08-11-005) from the Extreme and Very High Fire Threat Zones depicted on the FRAP Fire Threat Map to Tier 3 of the High Fire Threat District.

- **The estimated costs of the PR, including, if available, costs incurred by IOUs, POUs, CIPs, and customers:**

A cost /benefit analysis for this revised regulation was not performed. In D.17-01-009 the Commission concluded that public safety requires the most restrictive fire-safety regulations which currently apply only to certain high fire-threat areas on the interim fire-threat maps, should transfer automatically to Tier 3 (of the High Fire Threat District) areas in Southern California. Because the final Shape B map is not available, an analysis and comparison of Tier 3 of the High Fire Threat District to the Extreme and Very High Fire Threat Zones depicted on the FRAP Fire Threat Map could not be performed.

- o **Whether and how the costs will be recovered from customers:**

The necessary cost recovery from customers has not been determined because the final Shape B map is not available and analysis and comparison of Tier 3 (of the High Fire Threat District) to the Extreme and Very High Fire Threat Zones depicted on the FRAP Fire Threat Map could not be performed.

- o **Whether and how costs will be shared among electric utilities, CIPs, and others:**

The necessary cost sharing between electric utilities, CIPs, and others has not been determined because the final Shape B map is not available and analysis and comparison of Tier 3 (of the High Fire Threat District) to the Extreme and Very High Fire Threat Zones depicted on the FRAP Fire Threat Map could not be performed.

- **If the PR applies to electric transmission, why the regulations does not conflict with other federal or state regulations:**

The revised regulation does not apply to electric transmission.

- **The timeframe for implementing the PR:**

The revised regulation should become effective 12-months after the Commission's adoption of final Shape B to allow jurisdictional electric utilities adequate time to evaluate and revise their inspection programs.

- **Why it is in the public interest to adopt the PR:**

The proposed revision continues the existing requirements established in R.08-11-005 which requires electric utilities to perform patrols at least once per year in rural Tier 3 areas located in Southern California.

- **Whether the PR is exempt from the California Environmental Quality Act (CEQA) and/or the National Environmental Policy Act (NEPA) and, if so, why. Any assertion that CEQA and NEPA do not apply must cite the relevant statutes and/or regulations where the exemption is listed. Conversely, any assertion that CEQA and/or NEPA do apply must (1) cite the relevant statutes and/or regulations that show this, and (2) list the steps that need to occur under CEQA and/or NEPA before the PR can be adopted:**

This proposed revision is exempt from environmental review under Section 15378 of the California Environmental Quality Act (CEQA) Guidelines because it is not a "project" under CEQA and will not have any potentially significant impact on the environment. NEPA does not apply because adoption of the proposed rule change does not constitute action by a federal agency within the meaning of 42 USC § 4332.

- **Criteria regarding (1) where the PR should apply with respect to new installations and reconstruction in the High Fire-Threat District; and (2) whether existing facilities in the High Fire-Threat District should be retrofitted or replaced to conform to the PRs. *(These criteria should include methods for: (a) Estimating the costs and safety benefits of the PRs, and (b) weighing the costs and safety benefits.):***

This revised regulation does not require: new criteria with respect to new installations or reconstruction in the High Fire Threat District; or, a determination as to whether or not existing facilities in the High Fire Threat District should be retrofitted or replaced.

- **A detailed summary of any ancillary issues with a direct nexus to the PR:**

This revised regulation relies in part on the adoption of a new definition for High Fire Threat District being added to GO 95 as described in PR-23.

- **Other matters to be considered:**

As noted above, because the final Shape B map is not available, an analysis and comparison of Tier 3 of the High Fire Threat District to Extreme and Very High Fire Threat Zones depicted on the FRAP Fire Threat Map could not be performed.

### **III.POSITION OF PARTIES**

- **Comments in Support**

#### **IBEW 1245**

IBEW 1245 supports this proposed rule. SED's justification statement regarding increased inspections and the positive consequences of those inspections is compelling.

#### **Liberty CalPeco**

Liberty CalPeco supports PR-7 as this PR is not cost-prohibitive but ensures safety in the most fire prone areas of the State.

- **Comments in Opposition**

#### **SED**

Decision (D.)12-01-032 issued in Phase 2 of Rulemaking (R.)08-11-005 adopted a total of six (6) regulations, in General Orders (GOs) 95, 165, and 166, which referenced two (2) separate interim fire-threat maps: (1) California Department of Forestry and Fire Protection's (CALFIRE) Fire and Resource Assessment Program (FRAP) Fire Threat Map (i.e. FRAP Map) and (2) Reax Engineering's Fire Threat Map (Reax Map). The FRAP Map was intended to be used for Southern California and the Reax Map for Northern California. More specifically, all six (6) regulations referenced either the "Extreme" and "Very High" Fire Threat Zones of the FRAP Map (i.e. the two highest of four FRAP Map tiers, excluding non-fuel and not mapped areas) or Threat Classes 3 and 4 of the Reax Map (i.e. the two highest Reax Map tiers). Accordingly, all six (6) of the fire-safety regulations adopted in D.12-01-032 incorporated a Northern and Southern California delineation. Additionally, it should be noted that all references to the interim fire-threat maps (i.e. FRAP Map and Reax Map) in existing regulations are applied to the two (2) highest tier classifications (i.e. "Extreme" and "Very High" Fire Threat Zones or Threat Classes 3 and 4) of the referenced maps.

There are two (2) primary issues manifested in D.12-01-032, and further convoluted by requirements in D.17-01-009, that carry over into the six (6) existing fire-safety regulations which are all proposed as FSTP-sponsored PRs (i.e. PRs 4, 7, 16, 17, 20, and 21). The first issue is a continued Northern and Southern California delineation, originating as a result of the two (2) interim maps, which SED contends should no longer be applicable given the impending adoption of a statewide map. Secondly, as pointed out above, existing fire-safety regulations (i.e. regulations referencing one of two interim fire-threat maps) are scoped to apply in the two (2) highest tier classifications of each respective fire-threat map. SED asserts that these specific high value tier classification references (i.e. "Extreme" and "Very High" Fire Threat Zones or Threat

Classes 3 and 4) in the existing regulations represent the embryonic framework and original conception of what is currently referenced as the High Fire Threat District (HFTD), in that they represent the highest areas of concern, as identified on a fire-threat map, for the purposes of scoping specific fire-safety regulations. In D.17-01-009, the Commission identified and defined the elements which comprise the HFTD for the purpose of scoping and potentially adopting new and/or enhanced fire safety regulations in R.15-05-006. As such, SED concludes that, in order to keep with the spirit and intent of the six (6) existing fire-safety regulations, when the map references are updated from the existing interim maps they should transfer from the interim “fire-threat districts” to the recently Commission-defined HFTD. Yet, Ordering Paragraph (OP)10 of D.17-01-009 instructed parties that existing fire-safety regulations applied in Northern and Southern California would transfer only to Tier 3 of the HFTD. SED contends that this is a fundamental flaw in the logic of D.17-01-009. However, instead of filing a petition to modify the Decision, SED intends to address this transference issue as well as the carryover Northern and Southern California delineation issue in its submitted alternates.

PR 20 is put forth as an FSTP-sponsored PR following a decision made during FSTP workshops, prior to all-party workshops, regarding potential fire-safety regulations for the HFTD, that all FSTP-sponsored PRs would only update existing regulations which currently reference the interim fire-threat maps adopted in R.08-11-005 as instructed in OP 10 of D.17-01-009. For the reasons stated above, SED opposes PR 20 and urges the Commission to instead adopt the changes proposed in PR 20-AP1.

## **TURN**

TURN supports the adoption of reasonable regulations to improve the safety of utility facilities. In reviewing any new or modified regulations, however, the Commission must weigh the benefits and costs of proposed changes that would have more than a de minimis cost impact on customers. There are, and always will be, many opportunities to improve safety, but ratepayer funds are limited and must not be exhausted on regulatory compliance efforts that are not cost-effective. Under California law, all utility spending for any purpose, including safety, must be justified under Public Utilities Code Section 454(a) and must meet the just and reasonable standard of Section 451. The proponent of this proposed rule states that, “Because the final Shape B map is not available, an analysis and comparison of Tier 3 (of the High Fire Threat District) to Extreme and Very High Fire Threat Zones in the FRAP map could not be performed.” For the same reason, the proponent could not determine necessary cost recovery or cost sharing mechanisms.

The proponent of this rule states, “In D.17-01-009 the Commission concluded that public safety requires the most restrictive fire-safety regulations which currently apply only to certain high fire-threat areas on the interim fire-threat maps, should transfer automatically to Tier 3 of the High Fire Threat District in Southern California.” TURN understand that the transfer required by D.17-01-009 is not intended to significantly broaden the application of this rule, but there is insufficient information with which to determine the full impact of the proposed changes or assess the cost-effectiveness or reasonableness of this proposed rule. Given the potential cost impacts of changes to inspection cycles, TURN cannot provide a final vote in support of this rule without additional information on the potential costs of this modification. TURN notes that PR-20 AP1 and AP2 both propose changes that would modify the inspection cycles listed in General

Order 165, Table 1. The costs and benefits of those proposed changes must be assessed as well to ensure that ratepayer funds are only spent on the cost-effective measures. The assessment of the costs of PR-20 can occur simultaneously with the review of PR-20 AP1 and AP2 and would likely not significantly delay the process of authorizing final regulations.

For the reasons given above, TURN, opposes this proposed rule.

- **Final Vote:**

<b>PARTIES</b>	<b>NOT PRESENT</b>	<b>YES</b>	<b>NEUTRAL</b>	<b>NO</b>
AT&T			X	
BVES		X		
CALTEL	X			
CCTA			X	
CFBF	X			
Charter Comm.			X	
City of Laguna Beach			X	
CMUA			X	
Comcast			X	
Consolidated Comm.			X	
Cox Comm.			X	
Crown Castle			X	
CTIA			X	
ExteNet	X			
IBEW 1245		X		
LA County Fire				X
LADWP			X	
Liberty CalPeco		X		
Mussey Grade Road Alliance			X	
PacifiCorp		X		
PG&E		X		
SED				X
SCE		X		
SDG&E			X	
Small LECS			X	
SMUD			X	
Sprint-Nextel	X			
T-Mobile			X	
TURN				X
Frontier			X	
Verizon Wireless	X			

**I. PROPOSED *REVISION TO* GENERAL ORDER 165, TABLE 1, FOOTNOTE 1****A. Current Rule**

**Table 1**  
**Distribution Inspection Cycles (Maximum Intervals in Years)**

	Patrol		Detailed		Intrusive	
	Urban	Rural	Urban	Rural	Urban	Rural
<b>Transformers</b>						
Overhead	1	2 <sup>1</sup>	5	5	---	---
Underground	1	2	3	3	---	---
Padmounted	1	2	5	5	---	---
<b>Switching/Protective Devices</b>						
Overhead	1	2 <sup>1</sup>	5	5	---	---
Underground	1	2	3	3	---	---
Padmounted	1	2	5	5	---	---
<b>Regulators/Capacitors</b>						
Overhead	1	2 <sup>1</sup>	5	5	---	---
Underground	1	2	3	3	---	---
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Overhead Conductor and Cables	1	2 <sup>1</sup>	5	5	---	---
Streetlighting	1	2	x	x	---	---
Wood Poles under 15 years	1	2	x	x	---	---
Wood Poles over 15 years which have not been subject to intrusive inspection	1	2	x	x	10	10
Wood poles which passed intrusive inspection	---	---	---	---	20	20

- (1) Patrol inspections in rural areas shall be increased to once per year in Extreme and Very High Fire Threat Zones in the following counties Imperial, Los Angeles, Orange, Riverside, Santa Barbara, San Bernardino, San Diego, and Ventura. Extreme and Very High Fire Threat Zones are designated on the Fire and Resource Assessment Program (FRAP) Map prepared by the California Department of Forestry and Fire Protection or the modified FRAP Map prepared by San Diego Gas & Electric Company (SDG&E) and adopted by Decision 12-01-032 in Phase 2 of Rulemaking 08-11-005. The fire-threat map is to be used to establish approximate boundaries and Utilities should use their own expertise and judgment to determine if local conditions require them to adjust the boundaries of the map.

Note: This General Order does not apply to cathodic protection systems associated with natural gas facilities.

Note: For the purpose of implementing the patrol and detailed inspection intervals in Table 1 above, the term “year” is defined as 12 consecutive calendar months starting the first full calendar month after an inspection is performed, plus three full calendar months, not to exceed the end of the calendar year in which the next inspection is due. A required inspection may be completed any time before the expiration of the associated inspection interval using this definition of “year,” but not after. The completion of an inspection starts a new inspection interval that must be completed within the prescribed timeframe using this definition of “year.” However, inspection intervals may be extended by up to six months in areas where the Governor of California or the President of the United States has declared an emergency or a disaster following a major earthquake or other catastrophe using the procedure set forth in Decision 13-06-011 issued in Rulemaking 08-11-005. The extension shall not exceed six months from the date that an emergency is declared or the date that a disaster is declared, whichever is earlier.

Note: For wood pole intrusive inspections, the term “year” is defined as a calendar year.

**B. Proposed Revisions Shown with Strikeout/Underline**

**Table 1  
Distribution Inspection Cycles (Maximum Intervals in Years)**

	Patrol		Detailed		Intrusive	
	Urban	Rural	Urban	Rural	Urban	Rural
<b>Transformers</b>						
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Wood poles which passed intrusive inspection	---	---	---	---	20	20



- (1) Patrol inspections in rural areas shall be increased to once per year in ~~Extreme and Very High Fire Threat Zones~~ Tier 2 and Tier 3 of the High Fire Threat District (See GO 95, Rule 21.2-D). ~~in the following counties Imperial, Los Angeles, Orange, Riverside, Santa Barbara, San Bernardino, San Diego, and Ventura. Extreme and Very High Fire Threat Zones are designated on the Fire and Resource Assessment Program (FRAP) Map prepared by the California Department of Forestry and Fire Protection or the modified FRAP Map prepared by San Diego Gas & Electric Company (SDG&E) and adopted by Decision 12-01-032 in Phase 2 of Rulemaking 08-11-005. The fire threat map is to be used to establish approximate boundaries and Utilities should use their own expertise and judgment to determine if local conditions require them to adjust the boundaries of the map.~~

Note: This General Order does not apply to cathodic protection systems associated with natural gas facilities.

Note: For the purpose of implementing the patrol and detailed inspection intervals in Table 1 above, the term “year” is defined as 12 consecutive calendar months starting the first full calendar month after an inspection is performed, plus three full calendar months, not to exceed the end of the calendar year in which the next inspection is due. A required inspection may be completed any time before the expiration of the associated inspection interval using this definition of “year,” but not after. The completion of an inspection starts a new inspection interval that must be completed within the prescribed timeframe using this definition of “year.” However, inspection intervals may be extended by up to six months in areas where the Governor of California or the President of the United States has declared an emergency or a disaster following a major earthquake or other catastrophe using the procedure set forth in Decision 13-06-011 issued in Rulemaking 08-11-005. The extension shall not exceed six months from the date that an emergency is declared or the date that a disaster is declared, whichever is earlier.

Note: For wood pole intrusive inspections, the term “year” is defined as a calendar year.

**C. Proposed Final Version**

**Table 1  
Distribution Inspection Cycles (Maximum Intervals in Years)**

	Patrol		Detailed		Intrusive	
	Urban	Rural	Urban	Rural	Urban	Rural
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- (1) Patrol inspections in rural areas shall be increased to once per year in Tier 2 and Tier 3 of the High Fire Threat District (See GO 95, Rule 21.2-D).

Note: This General Order does not apply to cathodic protection systems associated with natural gas facilities.

Note: For the purpose of implementing the patrol and detailed inspection intervals in Table 1 above, the term “year” is defined as 12 consecutive calendar months starting the first full calendar month after an inspection is performed, plus three full calendar months, not to exceed the end of the calendar year in which the next inspection is due. A required inspection may be completed any time before the expiration of the associated inspection interval using this definition of “year,” but not after. The completion of an inspection starts a new inspection interval that must be completed within the prescribed timeframe using this definition of “year.” However, inspection intervals may be extended by up to six months in areas where the Governor of California or the President of the United States has declared an emergency or a disaster following a major earthquake or other catastrophe using the procedure set forth in Decision 13-06-011 issued in Rulemaking 08-11-005. The

extension shall not exceed six months from the date that an emergency is declared or the date that a disaster is declared, whichever is earlier.

Note: For wood pole intrusive inspections, the term “year” is defined as a calendar year.

## **II. JUSTIFICATION**

- **Specific electric utilities, CIPs, and others affected:**

The proposed revision would apply to jurisdictional electric utilities that own/operate overhead electric lines in California.

- **Geographic Areas where the rule will apply:**

The revised version of GO 165 would apply to facilities located in Tier 2 and Tier 3 of the High Fire Threat District (HFTD).

- **How the PR reduces or otherwise addresses fire hazards and/or risks in the High Fire-Threat District:**

The proposed revision expands the existing requirements, established in R.08-11-005, which require more frequent patrol inspections in rural areas of Southern California identified as Tier 3 of the HFTD (as directed by D.17-01-009 and proposed in PR-20) on the CPUC’s Fire Threat Map to apply to Tier 2 of the HFTD as well. Increasing the number of patrol inspections in areas defined as being susceptible (elevated or extreme risk) for promulgating catastrophic wildfires (i.e. the HFTD) would significantly increase the likelihood of an electric utility finding and addressing fire hazards and risks prior to those hazards or risks igniting a wildfire. Additionally, much of the mapping work in the instant proceeding has highlighted that wildland-urban interface (WUI) areas present some of the largest risks for high consequence utility-ignited wildfires. As such, requiring more frequent patrols in rural areas, which would likely include many WUI areas of note, and lead to the identification and resolution of more fire hazards, has the increased potential of preventing the ignition of catastrophic wildfires.

- **The estimated costs of the PR, including, if available, costs incurred by IOUs, POUs, CIPs, and customers:**

A direct cost /benefit analysis for this proposed regulation (PR) was not performed. SED is not aware of the individual electric utilities’ costs for conducting patrol inspections. However, SED submits that utilities should be able to determine the portion of their system impacted by this change (i.e. transferring from “Extreme” and “Very High” tiers on the interim FRAP map to Tiers 2 and 3 of the HFTD, throughout the state – not just in southern California) and provide a cost estimate based upon the increased number of patrol inspections and average patrol inspection costs. Nevertheless, SED believes that the costs incurred from expanding the applicable scope of these inspection requirements will be far outweighed by the potential benefit of preventing catastrophic wildfires in areas with an elevated or extreme risk for such events.

- o **Whether and how the costs will be recovered from customers:**

The proposed revision would not impact the method by which costs are currently recovered for compliance with the existing regulation. As such, SED believes that the cost recovery mechanism currently employed by affected utilities will not be impacted.

**o Whether and how costs will be shared among electric utilities, CIPs, and others:**

The proposed revision would not impact the method by which costs are currently shared among electric utilities, CIPs, and others for compliance with the existing regulation. As such, SED believes that the cost sharing mechanism currently employed by affected utilities will not be impacted.

**• If the PR applies to electric transmission, why the regulations does not conflict with other federal or state regulations:**

The revised footnote to Table 1 does apply to electric transmission. Conflicts with other federal or state regulations were not identified in R.01-11-005 and none have been identified in this proceeding.

**• The timeframe for implementing the PR:**

The revised footnote to Table 1 should become effective within 12 months after the Commission adopts a new Fire Threat Map.

**• Why it is in the public interest to adopt the PR:**

The proposed revision expands the existing requirements, established in R.08-11-005, which require more frequent patrol inspections in rural areas of Southern California labeled as Tier 3 of the HFTD (as directed by D.17-01-009 and proposed in PR-20) as designated on the CPUC's Fire Threat Map to apply to Tier 2 of the HFTD as well. By eliminating the southern California distinction, the Commission would be addressing a carryover issue from R.08-11-005, where the initial focus was on quickly implementable fire-safety regulations that could be effected in time for the following southern California fire season. This delineation was further magnified when the Commission adopted multiple interim fire-threat maps later in R.08-11-005. Given that the Commission will soon adopt a statewide map which delineates areas of California with an elevated or extreme risk for a catastrophic wildfire in the event of a utility-caused ignition (i.e. HFTD), regardless of north/south or county designation, it seems shortsighted to maintain an arbitrary northern and southern California delineation. Additionally, much of the mapping work in the instant proceeding has highlighted that wildland-urban interface (WUI) areas present some of the largest risks for high consequence utility-ignited wildfires. As such, requiring more frequent patrols in rural areas, which would likely include many WUI areas of note and lead to the identification and resolution of more fire hazards, has the increased potential of preventing the ignition of catastrophic wildfires.

**• Whether the PR is exempt from the California Environmental Quality Act (CEQA) and/or the National Environmental Policy Act (NEPA) and, if so, why. Any assertion that CEQA and NEPA do not apply must cite the relevant statutes and/or regulations where the exemption is listed. Conversely, any assertion that CEQA**

**and/or NEPA do apply must (1) cite the relevant statutes and/or regulations that show this, and (2) list the steps that need to occur under CEQA and/or NEPA before the PR can be adopted:**

This proposal is exempt from environmental review under Section 15378 of the California Environmental Quality Act (CEQA) Guidelines because it is not a “project” under CEQA. This proposal is exempt from environmental review under Section 15378 of the California Environmental Quality Act (CEQA) Guidelines because it is not a “project” under CEQA. The proposed revision will not result in a project under CEQA. CEQA only applies to "projects," which are defined in relevant part as "an activity involving the issuance to a person of a lease, permit, license, certificate, or other entitlement for use by one or more public agencies." (CEQA Guideline § 15378(a)(3).) This proposal would not require the Commission to issue any additional permits such as a CPCN (Certificate for Public Convenience or Necessity) or PTC (Permit to Construct). This proposal is also categorically exempt from CEQA, per CEQA Guidelines Sections 15301 and 15304, because the proposal applies to minor alterations to existing facilities. NEPA does not apply because adoption of the proposed rule change does not constitute action by a federal agency within the meaning of 42 USC § 4332.

- **Criteria regarding (1) where the PR should apply with respect to new installations and reconstruction in the High Fire-Threat District; and (2) whether existing facilities in the High Fire-Threat District should be retrofitted or replaced to conform to the PRs. *(These criteria should include methods for: (a) Estimating the costs and safety benefits of the PRs, and (b) weighing the costs and safety benefits.)*:**

The proposed language does not require analysis of application to new or reconstructed facilities, or, a determination of whether overhead line facilities in the HFTD should be retrofitted or replaced to conform with the PR.

- **A detailed summary of any ancillary issues with a direct nexus to the PR:**

The proposed language references a currently nonexistent rule, GO 95, Rule 21.2-D. GO 95, Rule 21.2-D is described in Southern California Edison’s (SCE) PR-23, and proposes to supplement the existing “District” definitions with a definition for the HFTD, as specified in D.17-01-009. PR-23 was preliminarily voted on during a May 10, 2017 workshop and passed as consensus, receiving 22 of 23 “Yes” votes. SED anticipates that PR-23 will pass as consensus following final votes on June 23, 2017, one week following to the submittal of this document. In the off chance that PR-23 is not put forth as a consensus proposal or is not adopted by the Commission, revisions would be required to the proposed language.

- **Other matters to be considered:**

No other matters for consideration have been identified.

### **III. POSITION OF PARTIES**

- **Comments in Support**

None

- **Comments in Opposition**

#### **Liberty CalPeco**

Liberty CalPeco opposes PR-20, AP-1 as it fails to distinguish between the fire threat of Tier 2 and the fire threat of Tier 3. By definition the Tiers represent varying levels of fire risk; thus, treating them the same defeats the purpose of creating the Tiers. Complying with a shorter inspection interval could be infeasible with our current resources or at best extremely costly (e.g., hiring numerous third party contractors). Additionally, there is no justification that the shorter inspection cycles will be cost-effective in mitigating fire risk.

#### **PacifiCorp**

Since it is unclear how big tiers 2 and 3 will be, it is unclear how these proposed revisions to General Order 165 would impact PacifiCorp's service territory. Under the version of Shape B delivered under Step 2(a) of the Work Plan, approximately 84% of PacifiCorp's service territory falls within tiers 2 and 3. This raises the potential that under this proposal, in almost all of PacifiCorp's rural service territory, PacifiCorp would be subject to a one year patrol cycle (instead of the two year cycle currently in place). Even if the final version of Shape B in PacifiCorp's service territory is significantly smaller, PacifiCorp does not believe changing the patrol cycle in nearly all of the rural areas of PacifiCorp's services territory is cost effective or operationally practical or necessary in connection with this proceeding. PacifiCorp believes, if an increase to a one year patrol cycle is warranted or desired by the Commission, it should occur in tier 3 statewide, including tier 3 of PacifiCorp's service territory, for the reasons set forth in PacifiCorp's justification to PacifiCorp's alternate proposal, PR—20 AP—2.

#### **PG&E**

Currently, General Order 165 requires biennial patrol inspections and quinquennial detailed inspections of overhead electric facilities in rural areas. In addition, PG&E conducts annual inspections of its overhead transmission and distribution lines for compliance with the vegetation management requirements of GO 95 and the Public Resources Code. Particularly in Northern California, Tiers 2 and 3 cover large areas. Doubling the patrol requirement over this expansive area would double those patrol costs without any showing that it would improve fire safety. PG&E believes that annual patrols in Tiers 2 and 3 would only serve to duplicate the vegetation management inspections without measurable benefit.

#### **TURN**

TURN supports the adoption of reasonable regulations to improve the safety of utility facilities. In reviewing any new or modified regulations, however, the Commission must weigh the benefits and costs of proposed changes that would have more than a de minimis cost impact on

customers. There are, and always will be, many opportunities to improve safety, but ratepayer funds are limited and must not be exhausted on regulatory compliance efforts that are not cost-effective. Under California law, all utility spending for any purpose, including safety, must be justified under Public Utilities Code Section 454(a) and must meet the just and reasonable standard of Section 451. The proponent of this proposed rule, SED, states that a direct cost/benefit analysis for this proposed regulation was not performed.

This proposed rule would expand the application of the inspection cycle intervals from Extreme and Very High Fire Threat Zones in Southern California to all facilities located in Tier 2 and Tier 3 of the High Fire Threat District, statewide. This is a vast expansion of the current inspection cycle rules that could have significant cost impacts for ratepayers. SED states that it is not aware of the individual electric utilities' costs for conducting patrol inspections but that the "utilities should be able to determine the portion of their system impacted by this change...and provide a cost estimate based on the increased number of patrol inspections and average patrol inspection costs." TURN agrees that such estimates could be calculated and, in fact, should be provided in order to assess the costs and benefits of this proposed rule. At this time, however, there is insufficient information with which to determine either the cost-effectiveness or the reasonableness of this proposed rule, and TURN, therefore, opposes this proposed rule.

- **Final Vote:**

<b>PARTIES</b>	<b>NOT PRESENT</b>	<b>YES</b>	<b>NEUTRAL</b>	<b>NO</b>
AT&T			X	
BVES				X
CALTEL	X			
CCTA			X	
CFBF	X			
Charter Comm.			X	
City of Laguna Beach			X	
CMUA			X	
Comcast			X	
Consolidated Comm.			X	
Cox Comm.			X	
Crown Castle			X	
CTIA			X	
ExteNet	X			
IBEW 1245		X		
LA County Fire		X		
LADWP			X	
Liberty CalPeco				X
Mussey Grade Road Alliance			X	
PacifiCorp				X
PG&E				X
SED		X		
SCE				X
SDG&E			X	
Small LECS			X	
SMUD			X	
Sprint-Nextel	X			
T-Mobile			X	
TURN				X
Frontier			X	
Verizon Wireless	X			



**I. PROPOSED *REVISION TO* GENERAL ORDER 165, TABLE 1, FOOTNOTE 1****A. Current Rule**

**Table 1**  
**Distribution Inspection Cycles (Maximum Intervals in Years)**

	Patrol		Detailed		Intrusive	
	Urban	Rural	Urban	Rural	Urban	Rural
<b>Transformers</b>						
Overhead	1	2 <sup>1</sup>	5	5	---	---
Underground	1	2	3	3	---	---
Padmounted	1	2	5	5	---	---
<b>Switching/Protective Devices</b>						
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Underground	1	2	3	3	---	---
Padmounted	1	2	5	5	---	---
<b>Regulators/Capacitors</b>						
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Overhead Conductor and Cables	1	2 <sup>1</sup>	5	5	---	---
Streetlighting	1	2	x	x	---	---
Wood Poles under 15 years	1	2	x	x	---	---
Wood Poles over 15 years which have not been subject to intrusive inspection	1	2	x	x	10	10
Wood poles which passed intrusive inspection	---	---	---	---	20	20

- (1) Patrol inspections in rural areas shall be increased to once per year in Extreme and Very High Fire Threat Zones in the following counties Imperial, Los Angeles, Orange, Riverside, Santa Barbara, San Bernardino, San Diego, and Ventura. Extreme and Very High Fire Threat Zones are designated on the Fire and Resource Assessment Program (FRAP) Map prepared by the California Department of Forestry and Fire Protection or the modified FRAP Map prepared by San Diego Gas & Electric Company (SDG&E) and adopted by Decision 12-01-032 in Phase 2 of Rulemaking 08-11-005. The fire-threat map is to be used to establish approximate boundaries and Utilities should use their own expertise and judgment to determine if local conditions require them to adjust the boundaries of the map.

Note: This General Order does not apply to cathodic protection systems associated with natural gas facilities.

Note: For the purpose of implementing the patrol and detailed inspection intervals in Table 1 above, the term “year” is defined as 12 consecutive calendar months starting the first full

calendar month after an inspection is performed, plus three full calendar months, not to exceed the end of the calendar year in which the next inspection is due. A required inspection may be completed any time before the expiration of the associated inspection interval using this definition of “year,” but not after. The completion of an inspection starts a new inspection interval that must be completed within the prescribed timeframe using this definition of “year.” However, inspection intervals may be extended by up to six months in areas where the Governor of California or the President of the United States has declared an emergency or a disaster following a major earthquake or other catastrophe using the procedure set forth in Decision 13-06-011 issued in Rulemaking 08-11-005. The extension shall not exceed six months from the date that an emergency is declared or the date that a disaster is declared, whichever is earlier.

Note: For wood pole intrusive inspections, the term “year” is defined as a calendar year.

**B. Proposed Revisions Shown with Strikeout/Underline**

**Table 1  
Distribution Inspection Cycles (Maximum Intervals in Years)**

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Wood poles which passed intrusive inspection	---	---	---	---	20	20

- (1) Patrol inspections in rural areas shall be increased to once per year in Tier 3 of the High Fire Threat District. (See GO 95, Rule 21.2-D.) ~~Extreme and Very High Fire Threat Zones in the following counties Imperial, Los Angeles, Orange, Riverside, Santa Barbara, San Bernardino, San Diego, and Ventura. Extreme and Very High Fire Threat Zones are~~

~~designated on the Fire and Resource Assessment Program (FRAP) Map prepared by the California Department of Forestry and Fire Protection or the modified FRAP Map prepared by San Diego Gas & Electric Company (SDG&E) and adopted by Decision 12-01-032 in Phase 2 of Rulemaking 08-11-005. The fire threat map is to be used to establish approximate boundaries and Utilities should use their own expertise and judgment to determine if local conditions require them to adjust the boundaries of the map.~~

Note: This General Order does not apply to cathodic protection systems associated with natural gas facilities.

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Note: For wood pole intrusive inspections, the term “year” is defined as a calendar year.

C. **Proposed Final Version**

**Table 1**  
**Distribution Inspection Cycles (Maximum Intervals in Years)**

	Patrol		Detailed		Intrusive	
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Wood poles which passed intrusive inspection	---	---	---	---	20	20

- (1) Patrol inspections in rural areas shall be increased to once per year in Zone 3 of the High Fire Threat District. (See GO 95, Rule 21.2-D.)

Note: This General Order does not apply to cathodic protection systems associated with natural gas facilities.

Note: For the purpose of implementing the patrol and detailed inspection intervals in Table 1 above, the term “year” is defined as 12 consecutive calendar months starting the first full calendar month after an inspection is performed, plus three full calendar months, not to exceed the end of the calendar year in which the next inspection is due. A required inspection may be completed any time before the expiration of the associated inspection interval using this definition of “year,” but not after. The completion of an inspection starts a new inspection interval that must be completed within the prescribed timeframe using this definition of “year.” However, inspection intervals may be extended by up to six months in areas where the Governor of California or the President of the United States has declared an emergency or a disaster following a major earthquake or other catastrophe using the procedure set forth in Decision 13-06-011 issued in Rulemaking 08-11-005. The

extension shall not exceed six months from the date that an emergency is declared or the date that a disaster is declared, whichever is earlier.

Note: For wood pole intrusive inspections, the term “year” is defined as a calendar year.

## II. JUSTIFICATION

- **Specific electric utilities, CIPs, and others affected:**

This proposed rule is applicable to jurisdictional electric utilities that own/operate overhead electric lines in California.

- **Geographic Areas where the rule will apply:**

The heightened one year patrol cycle requirement in certain rural areas under footnote 1 would apply on a statewide basis to geographic areas designated as Tier 3 of the High Fire Threat District, *i.e.*, instead of applying only to certain rural areas of Southern California. Specifically, the new geographic areas subject to a one year patrol cycle requirement include Tier 3 rural areas in Northern California currently subject to a two year patrol cycle requirement under the existing rule. In Southern California, the revised rule would apply to an area of high fire hazard similar to the geographic area covered under the current rule. The geographic boundaries in Southern California where the heightened one year patrol requirement currently applies include areas in the Extreme and Very High Fire Threat Zones in Imperial, Los Angeles, Orange, Riverside, Santa Barbara, San Bernardino, San Diego and Ventura counties, as designated on the Fire and Resource Assessment Program (FRAP) Map prepared by the California Department of Forestry and Fire Protection or the modified FRAP Map prepared by San Diego Gas & Electric Company (SDG&E) and adopted by Decision 12-01-032 in Phase 2 of Rulemaking 08-11-005. Under the revised rule, these geographic boundaries would change to match the areas located within Tier 3 of the High Fire Threat District.

- **How the PR reduces or otherwise addresses fire hazards and/or risks in the High Fire-Threat District:**

The proposed revision expands the existing requirements by doubling the number of patrols currently conducted in the rural areas of Northern California that will be designated as Tier 3. By targeting additional patrols in areas designated Tier 3, the revised rule is expected to result in increased identification and correction of fire hazard conditions. In Southern California, the proposed revision changes the geographic boundaries for which the one year patrol cycle is applicable. To the extent Tier 3 of the High Fire Threat District more accurately pinpoints utility caused fire threat in Southern California than the geographic area within which the current version of this rule applies, the proposed revision should result in a more targeted deployment of resources and reduction of fire hazard conditions in areas of Southern California most at risk.

- **The estimated costs of the PR, including, if available, costs incurred by IOUs, POUs, CIPs, and customers:**

PacifiCorp estimates that doubling its current patrol cycle with respect to its facilities located in potential Tier 3 areas of its Northern California service territory will likely result in additional annual costs ranging from \$16,000 to \$20,000, which equates to approximately \$.45/customer of

additional cost per year. Whether and to what extent additional costs would be incurred as a result of the adoption of this rule in other electrical utilities' service territories is unknown.

**o Whether and how the costs will be recovered from customers:**

Costs would be recovered through the utilities' general rate cases. Costs not previously authorized for recovery in a general rate case or other regulatory proceeding would be recorded in the Fire Hazard Prevention Memorandum Account initially authorized in D.09-08-029. This memo account was authorized for the purpose of recording expenses related to the implementation of fire hazard prevention measures governed by General Order (GO) 95, GO-165 and any other expenses incurred in implementing fire hazard prevention measures adopted in Rulemaking 08-08-009 and R.15-05-006. Costs recorded in the memo account may be recovered in rates after authorization by the commission through a general rate case or other ratesetting proceeding.

**o Whether and how costs will be shared among electric utilities, CIPs, and others:**

Cost sharing is not proposed.

- **If the PR applies to electric transmission, why the regulation does not conflict with other federal or state regulations:**

The revised footnote to Table 1 does apply to electric transmission. Conflicts with other federal or state regulations were not identified in R.01-11-005 and none have been identified in this proceeding.

- **The timeframe for implementing the PR:**

The revised footnote to Table 1 should become effective January 1 of the next full calendar year after the revised rule is adopted.

- **Why it is in the public interest to adopt the PR:**

The proposed revision expands the existing heightened one year patrol cycle requirement in rural areas, currently applicable only in certain elevated fire threat areas of Southern California, such that it will apply statewide to all Tier 3 areas of the High Fire Threat District. Although adoption of this proposed rule may result in increased costs to ratepayers, the cost/benefit outcome is favorable. Ratepayer funds will be used efficiently to target mitigation efforts in the geographic areas of the state most at risk of experiencing utility caused fire damage, *i.e.*, in Tier 3 areas. This proposed rule balances the public interest in reducing fire threat hazards in the areas of greatest risk without unduly burdening ratepayers with the cost of deploying additional patrols more widely across the state.

- **Whether the PR is exempt from the California Environmental Quality Act (CEQA) and/or the National Environmental Policy Act (NEPA) and, if so, why. Any assertion that CEQA and NEPA do not apply must cite the relevant statutes and/or regulations where the exemption is listed. Conversely, any assertion that CEQA and/or NEPA do apply must (1) cite the relevant statutes and/or regulations that**

**show this, and (2) list the steps that need to occur under CEQA and/or NEPA before the PR can be adopted:**

This proposal is exempt from environmental review under Section 15378 of the California Environmental Quality Act (CEQA) Guidelines because it is not a “project” under CEQA and will not have any potentially significant impact on the environment. NEPA does not apply because adoption of the proposed rule change does not constitute action by a federal agency within the meaning of 42 USC § 4332.

- **Criteria regarding (1) where the PR should apply with respect to new installations and reconstruction in the High Fire-Threat District; and (2) whether existing facilities in the High Fire-Threat District should be retrofitted or replaced to conform to the PRs. *(These criteria should include methods for: (a) Estimating the costs and safety benefits of the PRs, and (b) weighing the costs and safety benefits.):***

This revised footnoted to Table 1 does not require analysis of application to new or reconstructed facilities, or, a determination of whether overhead line facilities in the High Fire Threat District should be retrofitted or replaced to conform with the proposed rule.

- **A detailed summary of any ancillary issues with a direct nexus to the PR:**

No ancillary issues with a direct nexus to the proposed rule have been identified.

- **Other matters to be considered:**

No other matters for consideration have been identified.

### **III.POSITION OF PARTIES**

- **Comments in Support**

None

- **Comments in Opposition**

#### **Liberty CalPeco**

Liberty CalPeco generally supports PR-20, AP-2. However, given the uncertainty of the final Tier 3 map boundaries, it is impossible to determine how costly or feasible the implementation of PR-20, AP-2 will be in Liberty CalPeco’s service territory. Thus, Liberty CalPeco withholds its support of PR-20, AP-2, until the final Tier 3 map boundary has been reviewed.

#### **SED**

Decision (D.)12-01-032 issued in Phase 2 of Rulemaking (R.) 08-11-005 adopted a total of six (6) regulations, in General Orders (GOs) 95, 165, and 166, which referenced two (2) separate interim fire-threat maps: (1) California Department of Forestry and Fire Protection’s (CALFIRE) Fire and Resource Assessment Program (FRAP) Fire Threat Map (i.e. FRAP Map) and (2) Reax Engineering’s Fire Threat Map (Reax Map). The FRAP Map was intended to be used for

Southern California and the Reax Map for Northern California. More specifically, all six (6) regulations referenced either the “Extreme” and “Very High” Fire Threat Zones of the FRAP Map (i.e. the two highest of four FRAP Map tiers, excluding non-fuel and not mapped areas) or Threat Classes 3 and 4 of the Reax Map (i.e. the two highest Reax Map tiers). Accordingly, all six (6) of the fire-safety regulations adopted in D.12-01-032 incorporated a Northern and Southern California delineation. Additionally, it should be noted that all references to the interim fire-threat maps (i.e. FRAP Map and Reax Map) in existing regulations are applied to the two (2) highest tier classifications (i.e. “Extreme” and “Very High” Fire Threat Zones or Threat Classes 3 and 4) of the referenced maps.

There are two (2) primary issues manifested in D.12-01-032, and further convoluted by requirements in D.17-01-009, that carry over into the six (6) existing fire-safety regulations which are all proposed as FSTP-sponsored PRs (i.e. PRs 4, 7, 16, 17, 20, and 21). The first issue is a continued Northern and Southern California delineation, originating as a result of the two (2) interim maps, which SED contends should no longer be applicable given the impending adoption of a statewide map. Secondly, as pointed out above, existing fire-safety regulations (i.e. regulations referencing one of two interim fire-threat maps) are scoped to apply in the two (2) highest tier classifications of each respective fire-threat map. SED asserts that these specific high value tier classification references (i.e. “Extreme” and “Very High” Fire Threat Zones or Threat Classes 3 and 4) in the existing regulations represent the embryonic framework and original conception of what is currently referenced as the High Fire Threat District (HFTD), in that they represent the highest areas of concern, as identified on a fire-threat map, for the purposes of scoping specific fire-safety regulations. In D.17-01-009, the Commission identified and defined the elements which comprise the HFTD for the purpose of scoping and potentially adopting new and/or enhanced fire safety regulations in R.15-05-006. As such, SED concludes that, in order to keep with the spirit and intent of the six (6) existing fire-safety regulations, when the map references are updated from the existing interim maps they should transfer from the interim “fire-threat districts” to the recently Commission-defined HFTD. Yet, Ordering Paragraph (OP)10 of D.17-01-009 instructed parties that existing fire-safety regulations applied in Northern and Southern California would transfer only to Tier 3 of the HFTD. SED contends that this is a fundamental flaw in the logic of D.17-01-009. However, instead of filing a petition to modify the Decision, SED intends to address this transference issue as well as the carryover Northern and Southern California delineation issue in its submitted alternates.

PR 20-AP2 addresses SED’s concerns regarding the unnecessary Northern and Southern delineation, however does not address SED’s concerns regarding the applicable scope of GO 165, Table 1, Note 1. For the reasons stated above, SED opposes PR 20-AP2 and urges the Commission to instead adopt the changes proposed in PR 20-API1.

## **TURN**

TURN supports the adoption of reasonable regulations to improve the safety of utility facilities. In reviewing any new or modified regulations, however, the Commission must weigh the benefits and costs of proposed changes that would have more than a de minimis cost impact on customers. There are, and always will be, many opportunities to improve safety, but ratepayer funds are limited and must not be exhausted on regulatory compliance efforts that are not cost-effective. Under California law, all utility spending for any purpose, including safety, must be



justified under Public Utilities Code Section 454(a) and must meet the just and reasonable standard of Section 451.

This proposed rule would expand the application of the inspection cycle intervals by doubling the number of patrols currently conducted in the rural areas of Northern California slated to be designated Tier 3. The proponent, PacifiCorp, provides a cost estimate for the proposed rule change for its service territory. This rule change, however, would also impact the rural areas of PG&E's service territory, and it is unknown what the total cost impact would be to PG&E ratepayers. Given the doubling of the inspection interval for potentially large areas of PG&E territory, it is possible that the proposed rule could have significant cost implications for PG&E. At this time, there is insufficient information with which to determine either the cost-effectiveness or the reasonableness of this proposed rule, and TURN, therefore, opposes this proposed rule.

- **Final Vote:**

<b>PARTIES</b>	<b>NOT PRESENT</b>	<b>YES</b>	<b>NEUTRAL</b>	<b>NO</b>
AT&T			X	
BVES		X		
CALTEL	X			
CCTA			X	
CFBF	X			
Charter Comm.			X	
City of Laguna Beach			X	
CMUA			X	
Comcast			X	
Consolidated Comm.			X	
Cox Comm.			X	
Crown Castle			X	
CTIA			X	
ExteNet	X			
IBEW 1245			X	
LA County Fire				X
LADWP			X	
Liberty CalPeco			X	
Mussey Grade Road Alliance			X	
PacifiCorp		X		
PG&E		X		
SED				X
SCE		X		
SDG&E			X	
Small LECS			X	
SMUD			X	
Sprint-Nextel	X			
T-Mobile			X	
TURN				X
Frontier			X	
Verizon Wireless	X			

**I. PROPOSED *REVISION TO GENERAL ORDER 166, STANDARD 1, PART E, SUBPART D*****A. Current Rule****E. Fire Prevention Plan**

Those investor-owned electric utilities identified below shall have a Fire-Prevention Plan that:

A. Lists and describes the measures the electric utility intends to implement, both in the short run and in the long run, to mitigate the threat of power-line fires generally and in the specific situation where all three of the following conditions occur simultaneously: (i) The force of 3-second wind gusts exceeds the structural or mechanical design standards for the affected overhead power-line facilities, (ii) these 3-second gusts occur during a period of high fire danger, and (iii) the affected facilities are located in a high fire-threat area. A utility's fire-prevention plan may address other situations than required by this General Order, but not in lieu of this General Order.

B. Identifies the specific parts of the electric utility's service territory where all three of the fire-weather conditions listed in Item A, above, may occur simultaneously. In making this determination, the utility shall use a minimum probability of 3% over a 50-year period that 3-second wind gusts which exceed the design standards for the affected facilities will occur during a Red Flag Warning in a high fire-threat area.

C. Lists the other fire-threat indicators that the electric utility elects to use, in addition to those required by Item A, above, to timely identify and/or forecast elevated fire-weather conditions that increase the risk of fire associated with overhead power-line facilities.

D. For the purpose of this Standard, the following definitions apply: (i) Structural and mechanical design standards are the maximum working stresses set forth in General

Order 95, Section IV, for installed overhead electric facilities; (ii) period of high fire danger is the period covered by a Red Flag Warning issued by the United States National Weather Service; and (iii) high fire-threat areas are areas designated as the first or second highest fire-threat areas on the fire-threat maps adopted by Decision 12-01-032.

The requirement to prepare a fire-prevention plan applies to: (1) Investor-owned electric utilities in Imperial, Los Angeles, Orange, Riverside, Santa Barbara, San Bernardino, San Diego, and Ventura counties; and (2) investor-owned electric utilities in all other counties with overhead electric facilities located in areas of high fire risk as determined by such utilities in accordance with Decision 12-01-032 issued Rulemaking 08-11-005-

**B. Proposed Revisions Shown with Strikeout/Underline**

**E. Fire Prevention Plan**

Those investor-owned electric utilities identified below shall have a Fire-Prevention Plan that:

A. Lists and describes the measures the electric utility intends to implement, both in the short run and in the long run, to mitigate the threat of power-line fires generally and in the specific situation where all three of the following conditions occur simultaneously: (i) The force of 3-second wind gusts exceeds the structural or mechanical design standards for the affected overhead power-line facilities, (ii) these 3-second gusts occur during a period of high fire danger, and (iii) the affected facilities are located in a high fire-threat area. A utility's fire-prevention plan may address other situations than required by this General Order, but not in lieu of this General Order.

B. Identifies the specific parts of the electric utility's service territory where all three of the fire-weather conditions listed in Item A, above, may occur simultaneously. In making this determination, the utility shall use a minimum probability of 3% over a 50-year period that 3-second wind gusts which exceed the design standards for the affected facilities will occur during a Red Flag Warning in a high fire-threat area.

C. Lists the other fire-threat indicators that the electric utility elects to use, in addition to those required by Item A, above, to timely identify and/or forecast elevated fire-weather conditions that increase the risk of fire associated with overhead power-line facilities.

D. For the purpose of this Standard, the following definitions apply: (i) Structural and mechanical design standards are the maximum working stresses set forth in General

Order 95, Section IV, for installed overhead electric facilities; (ii) period of high fire danger is the period covered by a Red Flag Warning issued by the United States National Weather Service; and (iii) ~~high fire-threat areas are areas designated as the first or second highest fire-threat areas on the fire-threat maps adopted by Decision 12-01-032~~ Tier 3 of the High Fire Threat District (See GO 95, Rule 21.2-D).

The requirement to prepare a fire-prevention plan applies to: (1) Investor-owned electric utilities in Imperial, Los Angeles, Orange, Riverside, Santa Barbara, San Bernardino, San Diego, and Ventura counties; and (2) investor-owned electric utilities in all other counties with overhead electric facilities located in ~~areas of high fire risk~~ Tier 3 of the High Fire Threat District, as determined by such utilities in accordance with Decision 12-01-032 ~~issued Rulemaking 08-11-005.~~

**C. Proposed Final Version**

**E. Fire Prevention Plan**

Those investor-owned electric utilities identified below shall have a Fire-Prevention Plan that:

A. Lists and describes the measures the electric utility intends to implement, both in the short run and in the long run, to mitigate the threat of power-line fires generally and in the specific situation where all three of the following conditions occur simultaneously: (i) The force of 3-second wind gusts exceeds the structural or mechanical design standards for the affected overhead power-line facilities, (ii) these 3-second gusts occur during a period of high fire danger, and (iii) the affected facilities are located in a high fire-threat area. A utility's fire-prevention plan may address other situations than required by this General Order, but not in lieu of this General Order.

B. Identifies the specific parts of the electric utility's service territory where all three of the fire-weather conditions listed in Item A, above, may occur simultaneously. In making this determination, the utility shall use a minimum probability of 3% over a 50-year period that 3-second wind gusts which exceed the design standards for the affected facilities will occur during a Red Flag Warning in a high fire-threat area.

C. Lists the other fire-threat indicators that the electric utility elects to use, in addition to those required by Item A, above, to timely identify and/or forecast elevated fire-weather conditions that increase the risk of fire associated with overhead power-line facilities.

D. For the purpose of this Standard, the following definitions apply: (i) Structural and mechanical design standards are the maximum working stresses set forth in General

Order 95, Section IV, for installed overhead electric facilities; (ii) period of high fire danger is the period covered by a Red Flag Warning issued by the United States National Weather Service; and (iii) Tier 3 of the High Fire Threat District (See GO 95, Rule 21.2-D).

The requirement to prepare a fire-prevention plan applies to: (1) Investor-owned electric utilities in Imperial, Los Angeles, Orange, Riverside, Santa Barbara, San Bernardino, San Diego, and Ventura counties; and (2) investor-owned electric utilities in all other counties with overhead electric facilities located in Tier 3 of the High Fire Threat District.

## II. JUSTIFICATION

- **Specific electric utilities, CIPs, and others affected:**

The revised regulation would be applicable to California's investor owned utilities.

- **Geographic Areas where the rule will apply:**

The revised regulation would apply in Southern California and other California counties with overhead electric facilities located in Tier 3 of the High Fire Threat District.

- **How the PR reduces or otherwise addresses fire hazards and/or risks in the High Fire-Threat District:**

The revised regulation continues the existing requirements established in R.08-11-005 which requires Southern California investor-owned utilities to prepare fire prevention plans and would

extend that requirement to other investor-owned utilities with overhead electric facilities located in Tier 3 of the High Fire Threat District.

- **The estimated costs of the PR, including, if available, costs incurred by IOUs, POUs, CIPs, and customers:**

A cost /benefit analysis for this revised regulation was not performed. In D.17-01-009 the Commission concluded that public safety requires the most restrictive fire-safety regulations which currently apply only to certain high fire-threat areas on the interim fire-threat maps, should transfer automatically to Tier 3 (of the High Fire Threat District) areas in Southern California. Because the final Shape B map is not available, an analysis and comparison of Tier 3 of the High Fire Threat District to the Extreme and Very High Fire Threat Zones depicted on the FRAP Fire Threat Map could not be performed.

- o **Whether and how the costs will be recovered from customers:**

The necessary cost recovery from customers has not been determined because the final Shape B map is not available and analysis and comparison of Tier 3 (of the High Fire Threat District) to the Extreme and Very High Fire Threat Zones depicted on the FRAP Fire Threat Map could not be performed.

- o **Whether and how costs will be shared among electric utilities, CIPs, and others:**

The necessary cost sharing between electric utilities, CIPs, and others has not been determined because the final Shape B map is not available and analysis and comparison of Tier 3 (of the High Fire Threat District) to the Extreme and Very High Fire Threat Zones depicted on the FRAP Fire Threat Map could not be performed.

- **If the PR applies to electric transmission, why the regulations does not conflict with other federal or state regulations:**

The revised regulation encompasses electric transmission lines, however, conflicts with other federal or state regulations were not identified in R.01-11-005 and none were identified in this proceeding.

- **The timeframe for implementing the PR:**

The revised regulation should become effective 12-months after the Commission's adoption of final Shape B to allow jurisdictional electric utilities adequate time to evaluate their system and if necessary create a fire-prevention plan.

- **Why it is in the public interest to adopt the PR:**

The revised regulation continues the existing requirements established in R.08-11-005 and extends the requirement to develop a fire-prevention plan to investor owned utilities in Northern California.

- **Whether the PR is exempt from the California Environmental Quality Act (CEQA) and/or the National Environmental Policy Act (NEPA) and, if so, why. Any assertion that CEQA and NEPA do not apply must cite the relevant statutes and/or regulations where the exemption is listed. Conversely, any assertion that CEQA and/or NEPA do apply must (1) cite the relevant statutes and/or regulations that show this, and (2) list the steps that need to occur under CEQA and/or NEPA before the PR can be adopted:**

This proposed revision is exempt from environmental review under Section 15378 of the California Environmental Quality Act (CEQA) Guidelines because it is not a “project” under CEQA and will not have any potentially significant impact on the environment. NEPA does not apply because adoption of the proposed rule change does not constitute action by a federal agency within the meaning of 42 USC § 4332.

- **Criteria regarding (1) where the PR should apply with respect to new installations and reconstruction in the High Fire-Threat District; and (2) whether existing facilities in the High Fire-Threat District should be retrofitted or replaced to conform to the PRs. *(These criteria should include methods for: (a) Estimating the costs and safety benefits of the PRs, and (b) weighing the costs and safety benefits.):***

The proposed revision does not require: new criteria with respect to new installations or reconstruction in the High Fire Threat District; or, a determination as to whether or not existing facilities in the High Fire Threat District should be retrofitted or replaced.

- **A detailed summary of any ancillary issues with a direct nexus to the PR:**

This revised regulation relies in part on the adoption of a new definition for High Fire Threat District being added to GO 95 as described in PR-23.

- **Other matters to be considered:**

As noted above, because the final Shape B map is not available, an analysis and comparison of Tier 3 of the High Fire Threat District to Extreme and Very High Fire Threat Zones depicted on the FRAP Fire Threat Map could not be performed

### **III. POSITION OF PARTIES**

- **Comments in Support**

#### **IBEW 1245**

IBEW 1245 supports the proposed rule. SED’s argument regarding the public interest served by adopting this PR makes good sense.

#### **Liberty CalPeco**

Liberty CalPeco supports PR-21 as this PR is not cost-prohibitive but ensures safety in the most fire prone areas of the State.

- **Comments in Opposition**

**SED**

Decision (D.)12-01-032 issued in Phase 2 of Rulemaking (R.)08-11-005 adopted a total of six (6) regulations, in General Orders (GOs) 95, 165, and 166, which referenced two (2) separate interim fire-threat maps: (1) California Department of Forestry and Fire Protection's (CALFIRE) Fire and Resource Assessment Program (FRAP) Fire Threat Map (i.e. FRAP Map) and (2) Reax Engineering's Fire Threat Map (Reax Map). The FRAP Map was intended to be used for Southern California and the Reax Map for Northern California. More specifically, all six (6) regulations referenced either the "Extreme" and "Very High" Fire Threat Zones of the FRAP Map (i.e. the two highest of four FRAP Map tiers, excluding non-fuel and not mapped areas) or Threat Classes 3 and 4 of the Reax Map (i.e. the two highest Reax Map tiers). Accordingly, all six (6) of the fire-safety regulations adopted in D.12-01-032 incorporated a Northern and Southern California delineation. Additionally, it should be noted that all references to the interim fire-threat maps (i.e. FRAP Map and Reax Map) in existing regulations are applied to the two (2) highest tier classifications (i.e. "Extreme" and "Very High" Fire Threat Zones or Threat Classes 3 and 4) of the referenced maps.

There are two (2) primary issues manifested in D.12-01-032, and further convoluted by requirements in D.17-01-009, that carry over into the six (6) existing fire-safety regulations which are all proposed as FSTP-sponsored PRs (i.e. PRs 4, 7, 16, 17, 20, and 21). The first issue is a continued Northern and Southern California delineation, originating as a result of the two (2) interim maps, which SED contends should no longer be applicable given the impending adoption of a statewide map. Secondly, as pointed out above, existing fire-safety regulations (i.e. regulations referencing one of two interim fire-threat maps) are scoped to apply in the two (2) highest tier classifications of each respective fire-threat map. SED asserts that these specific high value tier classification references (i.e. "Extreme" and "Very High" Fire Threat Zones or Threat Classes 3 and 4) in the existing regulations represent the embryonic framework and original conception of what is currently referenced as the High Fire Threat District (HFTD), in that they represent the highest areas of concern, as identified on a fire-threat map, for the purposes of scoping specific fire-safety regulations. In D.17-01-009, the Commission identified and defined the elements which comprise the HFTD for the purpose of scoping and potentially adopting new and/or enhanced fire safety regulations in R.15-05-006. As such, SED concludes that, in order to keep with the spirit and intent of the six (6) existing fire-safety regulations, when the map references are updated from the existing interim maps they should transfer from the interim "fire-threat districts" to the recently Commission-defined HFTD. Yet, Ordering Paragraph (OP)10 of D.17-01-009 instructed parties that existing fire-safety regulations applied in Northern and Southern California would transfer only to Tier 3 of the HFTD. SED contends that this is a fundamental flaw in the logic of D.17-01-009. However, instead of filing a petition to modify the Decision, SED intends to address this transference issue as well as the carryover Northern and Southern California delineation issue in its submitted alternates.

PR 21 is put forth as an FSTP-sponsored PR following a decision made during FSTP workshops, prior to all-party workshops, regarding potential fire-safety regulations for the HFTD, that all FSTP-sponsored PRs would only update existing regulations which currently reference the interim fire-threat maps adopted in R.08-11-005 as instructed in OP 10 of D.17-01-009. For the



reasons stated above, SED opposes PR 21 and urges the Commission to instead adopt the changes proposed in PR 21-AP1.

**Final Vote:**

<b>PARTIES</b>	<b>NOT PRESENT</b>	<b>YES</b>	<b>NEUTRAL</b>	<b>NO</b>
AT&T			x	
BVES		x		
CALTEL	x			
CCTA			x	
CFBF	x			
Charter Comm.			x	
City of Laguna Beach			x	
CMUA			x	
Comcast			x	
Consolidated Comm.			x	
Cox Comm.			x	
Crown Castle			x	
CTIA			x	
ExteNet	x			
IBEW 1245			x	
LA County Fire				x
LADWP			x	
Liberty CalPeco		x		
Mussey Grade Road Alliance			x	
PacifiCorp		x		
PG&E		x		
SED				x
SCE		x		
SDG&E		x		
Small LECS			x	
SMUD			x	
Sprint-Nextel	x			
T-Mobile			x	
TURN			x	
Frontier			x	
Verizon Wireless	x			

**I. PROPOSED *REVISION TO GENERAL ORDER 166, STANDARD 1, PART E, SUBPART D***

**A. Current Rule**

**E. Fire Prevention Plan**

D. For the purpose of this Standard, the following definitions apply: (i) Structural and mechanical design standards are the maximum working stresses set forth in General Order 95, Section IV, for installed overhead electric facilities; (ii) period of high fire danger is the period covered by a Red Flag Warning issued by the United States National Weather Service; and (iii) high fire-threat areas are areas designated as the first or second highest fire-threat areas on the fire-threat maps adopted by Decision 12-01-032.

The requirement to prepare a fire-prevention plan applies to:

(1) Investor-owned electric utilities in Imperial, Los Angeles, Orange, Riverside, Santa Barbara, San Bernardino, San Diego, and Ventura counties; and (2) investor-owned electric utilities in all other counties with overhead electric facilities located in areas of high fire risk as determined by such utilities in accordance with Decision 12-01-032 issued Rulemaking 08-11-005-

**B. Proposed Revisions Shown with Strikeout/Underline**

**E. Fire Prevention Plan**

D. For the purpose of this Standard, the following definitions apply: (i) Structural and mechanical design standards are the maximum working stresses set forth in General Order 95, Section IV, for installed overhead electric facilities; (ii) period of high fire danger is the period covered by a Red Flag Warning issued by the United States National Weather Service; and (iii) ~~high fire-threat areas are areas designated as the first or second highest fire-threat areas on the fire-threat maps adopted by Decision 12-01-032~~ the High Fire Threat District as defined in GO 95, Rule 21.2-D.

The requirement to prepare a fire-prevention plan applies to:

~~(1) Investor-owned electric utilities in Imperial, Los Angeles, Orange, Riverside, Santa Barbara, San Bernardino, San Diego, and Ventura counties; and (2) investor-owned electric utilities in all other counties with overhead electric facilities located in areas of high fire risk~~ Tier 3 as designated on the CPUC's Fire Threat Map the High Fire Threat District, as determined by such utilities in accordance with Decision 12-01-032 issued Rulemaking 08-11-005.

### **C. Proposed Final Version**

#### **E. Fire Prevention Plan**

D. For the purpose of this Standard, the following definitions apply: (i) Structural and mechanical design standards are the maximum working stresses set forth in General Order 95, Section IV, for installed overhead electric facilities; (ii) period of high fire danger is the period covered by a Red Flag Warning issued by the United States National Weather Service; and (iii) the High Fire Threat District as defined in GO 95, Rule 21.2D.

The requirement to prepare a fire-prevention plan applies to investor-owned electric utilities with overhead electric facilities located in the High Fire Threat District.

## **II. JUSTIFICATION**

- **Specific electric utilities, CIPs, and others affected:**

The proposed revision would be applicable to all jurisdictional investor-owned electric utilities (IOUs) with overhead facilities in the High Fire Threat District (HFTD).

- **Geographic Areas where the rule will apply:**

The revised version of General Order (GO) 166 would require the submittal of fire-prevention plans (FPPs) by all jurisdictional IOUs with overhead facilities located within the HFTD. However, the fire prevention measures and strategies identified in individual FPPs may apply throughout California.

- **How the PR reduces or otherwise addresses fire hazards and/or risks in the High Fire-Threat District:**

GO 166, Standard 1, Part E, Subpart D, in its intent, obligates IOUs to prepare and implement or consider implementing fire-prevention measures and strategies to reduce and address fire hazards and/or risks. The proposed revision expands the requirements in GO 166 Standard 1, Part E, Subpart D for the submittal of FPPs, as proposed in PR-21 and required by D.17-01-009, from applying only to Southern California IOUs with overhead facilities in Tier 3 of the HFTD to all IOUs with overhead facilities in the entire HFTD.

- **The estimated costs of the PR, including, if available, costs incurred by IOUs, POUs, CIPs, and customers:**

A cost /benefit analysis for this PR was not performed. However, SED does not anticipate that making this change would have a material cost impact since most IOUs impacted by the rule already submit fire prevention plans in accordance with this rule.

o **Whether and how the costs will be recovered from customers:**

SED does not believe the proposed revisions will have a material impact on the current costs. Additionally, the proposed revisions would not impact the method by which costs are currently recovered for compliance with the existing regulation.

o **Whether and how costs will be shared among electric utilities, CIPs, and others:**

SED does not believe the proposed revisions will have a material impact on the current costs. Additionally, the proposed revisions would not impact the method by which costs are currently shared among electric utilities, CIPs, or others for compliance with the existing regulation.

• **If the PR applies to electric transmission, why the regulations does not conflict with other federal or state regulations:**

The revised text applies to electric transmission lines. Conflicts with other federal or state regulations were not identified in R.01-11-005 and none have been identified in this proceeding.

• **The timeframe for implementing the PR:**

The revised footnote to Table 1 should become effective within 12 months after the Commission adopts a new Fire Threat Map delineating the boundaries of a HFTD.

• **Why it is in the public interest to adopt the PR:**

The proposed revision expands the existing requirements established in R.08-11-005, which require Southern California IOUs and also other IOUs with overhead electric facilities located in Tier 3 of the HFTD (as directed by D.17-01-009 and proposed in PR-21) as designated on the CPUC's Fire Threat Map to prepare FPPs, to apply to all IOUs with any facilities in the HFTD. By expanding the applicable scope of GO 166, as written in this proposed regulation (PR), the Commission would ensure that all IOUs operating overhead electric facilities in an area that the Commission defined, and an independent team of subject matter experts, including the State's own fire agency (CAL FIRE), deemed to be at an elevated or extreme risk of a catastrophic wildfire in the event of a utility-caused ignition (i.e. HFTD). It would be prudent and in the public interest to require that all IOUs operating facilities in areas defined as being susceptible for promulgating catastrophic wildfires, have measures in place to reduce and address their individual fire hazards and risks.

• **Whether the PR is exempt from the California Environmental Quality Act (CEQA) and/or the National Environmental Policy Act (NEPA) and, if so, why. Any assertion that CEQA and NEPA do not apply must cite the relevant statutes and/or regulations where the exemption is listed. Conversely, any assertion that CEQA and/or NEPA do apply must (1) cite the relevant statutes and/or regulations that show this, and (2) list the steps that need to occur under CEQA and/or NEPA before the PR can be adopted:**

This proposal is exempt from environmental review under Section 15378 of the California Environmental Quality Act (CEQA) Guidelines because it is not a "project" under CEQA and

will not have any potentially significant impact on the environment. NEPA does not apply because adoption of the proposed rule change does not constitute action by a federal agency within the meaning of 42 USC § 4332.

**Criteria regarding (1) where the PR should apply with respect to new installations and reconstruction in the High Fire-Threat District; and (2) whether existing facilities in the High Fire-Threat District should be retrofitted or replaced to conform to the PRs. (These criteria should include methods for: (a) Estimating the costs and safety benefits of the PRs, and (b) weighing the costs and safety benefits.):**

The proposed language does not require analysis of application to new or reconstructed facilities, or, a determination of whether overhead line facilities in the HFTD should be retrofitted or replaced to conform with the PR.

- **A detailed summary of any ancillary issues with a direct nexus to the PR:**

The proposed language references a currently nonexistent rule, GO 95, Rule 21.2-D. GO 95, Rule 21.2-D is described in Southern California Edison's (SCE) PR-23, and proposes to supplement the existing "District" definitions with a definition for the HFTD, as specified in D.17-01-009. PR-23 was preliminarily voted on during a May 10, 2017 workshop and passed as consensus, receiving 22 of 23 "Yes" votes. SED anticipates that PR-23 will pass as consensus following final votes on June 23, 2017, one week following to the submittal of this document. In the off chance that PR-23 is not put forth as a consensus proposal or is not adopted by the Commission, revisions would be required to the proposed language.

- **Other matters to be considered:**

No other matters for consideration have been identified.

### **III. POSITION OF PARTIES**

- **Comments in Support**

None

- **Comments in Opposition**

#### **Liberty CalPeco**

Liberty CalPeco opposes PR-21, AP-1 as it arbitrarily expands the applicability of Fire Prevention Plans ("FPP") to the entire High Fire Threat District. This PR has significant cost implications for Liberty CalPeco. Expanding the applicability to the High Fire Threat District increases the cost to prepare the FPP, the calculation costs to monitor/identify areas of concern, and the costs of the responsive measures that Liberty CalPeco identifies in its FPP (e.g., increased/responsive patrols would now apply to nearly all of Liberty CalPeco's service territory as opposed to those areas with the highest risk). A blanket application across nearly all of Liberty CalPeco's service territory only serves to drastically increase costs and without a clear cost-effectiveness analysis, it may not markedly reduce fire risk.

- **Final Vote:**

<b>PARTIES</b>	<b>NOT PRESENT</b>	<b>YES</b>	<b>NEUTRAL</b>	<b>NO</b>
AT&T			X	
BVES			X	
CALTEL	X			
CCTA			X	
CFBF	X			
Charter Comm.			X	
City of Laguna Beach			X	
CMUA			X	
Comcast			X	
Consolidated Comm.			X	
Cox Comm.			X	
Crown Castle			X	
CTIA			X	
ExteNet	X			
IBEW 1245		X		
LA County Fire		X		
LADWP			X	
Liberty CalPeco				X
Mussey Grade Road Alliance			X	
PacifiCorp				X
PG&E				X
SED		X		
SCE				X
SDG&E		X		
Small LECS			X	
SMUD			X	
Sprint-Nextel	X			
T-Mobile			X	
TURN				X
Frontier			X	
Verizon Wireless	X			

**I. PROPOSED *REVISION TO INVESTOR-OWNED UTILITIES ELECTRIC TARIFF* RULE 11**

PG&E proposes to revise electric investor-owned utilities' (IOUs') Electric Tariff Rule 11, which would expand IOU authority for disconnecting customers that have vegetation in close proximity to powerlines and poses an elevated fire risk.

**A. Current Rule****N. VEGETATION MANAGEMENT**

[ELECTRIC UTILITY] may disconnect service to a customer or property owner who obstructs access to overhead power-line facilities for vegetation management activities, subject to the following conditions:

1. The authority to disconnect service to a customer is limited to situations where there is breach of the minimum vegetation clearances required for power lines in General Order (GO) 95, Rule 35, Table 1, Cases 13 and 14 under the provisions in effect at the time the breach is discovered.
2. The authority to disconnect service to a customer who obstructs vegetation management activities does not extend to customers that are state and local governments and agencies.
3. The authority to disconnect service to a customer is limited to one meter serving the property owner's primary residence, or if the property owner is a business entity, the entity's primary place of business. This one meter is in addition to disconnecting service, if necessary for public safety, at the location of the vegetation-related fire hazard.
4. Prior to disconnecting service, [ELECTRIC UTILITY] shall follow the then current procedures and notice requirements applicable to discontinuance of service for-non-payment, including the requirements applicable for sensitive customers, customers who not proficient in English, multifamily accommodations, and other customer groups, except as set forth in section 5 below. To the extent practical, the applicable procedures and notice requirements shall be completed prior to a breach of the minimum vegetation clearances required by GO 95, Rule 35, Table 1, Cases 13 and 14.
5. For vegetation hazards that pose an immediate threat to public safety, [ELECTRIC UTILITY] may disconnect service to the obstructing property owner's residence or primary place of business at any time without prior notice, except when the customer receives service under a medical baseline allowance. If service is disconnected without prior notice, [ELECTRIC UTILITY] shall attempt to contact the property owner for five consecutive business days by daily visits to the property owner's residence or primary place of business, in addition to



sending a written notice, to inform the property owner why service has been disconnected and how to restore service. If [ELECTRIC UTILITY] determines that it is necessary to disconnect service to a medical baseline customer, [ELECTRIC UTILITY] shall attempt to notify the customer by telephone prior to the service disconnection.

6. SERVICE RESTORATION

a. When a customer's service has been terminated because access to overhead electric facilities for vegetation management purposes has been obstructed, the customer's service will not be restored until appropriate vegetation management has been achieved or the vegetation hazard has been mitigated, and payment for all applicable restoration of service charges as provided in Electric Rule 11, Section M, Charges for Termination and/or Restoration of Service have been received.

**B. Proposed Revised Rule Shown with Strikeout/Underline**

N. VEGETATION MANAGEMENT IN THE HIGH FIRE THREAT DISTRICT

[ELECTRIC UTILITY] may disconnect service to a customer or property owner who obstructs access to overhead power-line facilities for vegetation management activities, subject to the following conditions:

1. The authority to disconnect service to a customer is limited to ~~situations where there is breach of the minimum vegetation clearances required for power lines in General Order (GO) 95, Rule 35, Table 1, Cases 13 and 14 under the provisions in effect at the time the breach is discovered~~ Tier 2 and Tier 3 of the High Fire Threat District, as designated in General Order (GO) 95, where one of the following has occurred:

a. there is a breach or imminent threat of breach of the minimum vegetation clearances required for power lines in GO 95, Rule 35, Table 1, Cases 13 or 14 under the provisions in effect at the time the breach is discovered, or

b. there are dead, rotten, or diseased trees or dead, rotten or diseased portions of otherwise healthy trees that overhang or lean toward and may fall into a span of supply or communications lines, or

c. during fire season in State Responsibility Areas, there is a breach or imminent threat of breach of the minimum vegetation clearances required in California Public Resources Code section 4293, or

d. there are dead trees, old decadent or rotten trees, trees weakened by decay or disease and trees or portions thereof that overhang or lean toward and may contact the line from the side or fall into the line, or

e. during fire season in State Responsibility Areas, there is a breach or imminent threat of breach of the minimum vegetation clearances required in California Public Resources Code section 4292.

2. The authority to disconnect service to a customer who obstructs vegetation management activities does not extend to customers that are state and local governments and agencies.

3. The authority to disconnect service to a customer is limited to one meter serving the property owner's primary residence, or if the property owner is a business entity, the entity's primary place of business. This one meter is in addition to disconnecting service, if necessary for public safety, at the location of the vegetation-related fire hazard.

4. Prior to disconnecting service, [ELECTRIC UTILITY] shall ~~follow the then current procedures and notice requirements applicable to discontinuance of service for non-payment, including the requirements applicable for sensitive customers, customers who not proficient in English, multifamily accommodations, and other customer groups, except as set forth in section 5 below~~ first give notice of impending service termination at least 10 days prior to the proposed termination by means of a notice mailed, postage prepaid, to the customer to whom the service is billed, and the 10-day period shall not commence until five-days after the mailing of the notice. During this 10-day period, [ELECTRIC UTILITY] shall make at least two attempts to contact the customer by telephone or personal contact. Where the residential customer has established a third-party notification authorization, [ELECTRIC UTILITY] shall notify the third-party of the impending termination. Where [ELECTRIC UTILITY] determines that the customer is a tenant, [ELECTRIC UTILITY] may notify the record property owner as set forth in section 3 above. [ELECTRIC UTILITY] shall make reasonable efforts to provide notice in appropriate language for customers who are not proficient in English, except as set forth in section 5 below. To the extent practical, the applicable procedures and notice requirements shall be completed prior to a breach of the minimum vegetation clearances required by GO 95, Rule 35, Table 1, Cases 13 and 14 or other hazardous conditions identified in section 1 above.

5. For vegetation hazards that pose an immediate threat to public safety, [ELECTRIC UTILITY] may disconnect service to the obstructing property owner's residence or primary place of business at any time without prior notice, except when the customer receives service under a medical baseline allowance. If service is disconnected without prior notice, [ELECTRIC UTILITY] shall attempt to contact the property owner for five consecutive business days by daily visits to the property owner's residence or primary place of business, in addition to sending a written notice, to inform the property owner why service has been disconnected and how to restore service. If [ELECTRIC UTILITY] determines that it is necessary to disconnect service to a medical baseline customer, [ELECTRIC UTILITY] shall attempt to notify the customer by telephone prior to the service disconnection.

6. SERVICE RESTORATION

- a. When a customer's service has been terminated because access to overhead electric facilities for vegetation management purposes has been obstructed, the customer's service will not be restored until appropriate vegetation management has been achieved or the vegetation hazard has been mitigated, and payment for all applicable restoration of service charges as provided in Electric Rule 11, Section M, Charges for Termination and/or Restoration of Service have been received.

C. **Proposed Final Version**

N. VEGETATION MANAGEMENT IN THE HIGH FIRE THREAT DISTRICT

[ELECTRIC UTILITY] may disconnect service to a customer or property owner who obstructs access to overhead power-line facilities for vegetation management activities, subject to the following conditions:

1. The authority to disconnect service to a customer is limited to Tier 2 and Tier 3 of the High Fire Threat District, as designated in General Order (GO) 95, where one of the following has occurred:
  - a. there is a breach or imminent threat of breach of the minimum vegetation clearances required for power lines in GO 95, Rule 35, Table 1, Cases 13 or 14 under the provisions in effect at the time the breach is discovered, or
  - b. there are dead, rotten, or diseased trees or dead, rotten or diseased portions of otherwise healthy trees that overhang or lean toward and may fall into a span of supply or communications lines, or
  - c. during fire season in State Responsibility Areas, there is a breach or imminent threat of breach of the minimum vegetation clearances required in California Public Resources Code section 4293, or
  - d. there are dead trees, old decadent or rotten trees, trees weakened by decay or disease and trees or portions thereof that overhang or lean toward and may contact the line from the side or fall into the line, or
  - e. during fire season in State Responsibility Areas, there is a breach or imminent threat of breach of the minimum vegetation clearances required in California Public Resources Code section 4292.
2. The authority to disconnect service to a customer who obstructs vegetation management activities does not extend to customers that are state and local governments and agencies.
3. The authority to disconnect service to a customer is limited to one meter serving the property owner's primary residence, or if the property owner is a business entity, the

entity's primary place of business. This one meter is in addition to disconnecting service, if necessary for public safety, at the location of the vegetation-related fire hazard.

4. Prior to disconnecting service, [ELECTRIC UTILITY] shall first give notice of impending service termination at least 10 days prior to the proposed termination by means of a notice mailed, postage prepaid, to the customer to whom the service is billed, and the 10-day period shall not commence until five-days after the mailing of the notice. During this 10-day period, [ELECTRIC UTILITY] shall make at least two attempts to contact the customer by telephone or personal contact. Where the residential customer has established a third-party notification authorization, [ELECTRIC UTILITY] shall notify the third-party of the impending termination. Where [ELECTRIC UTILITY] determines that the customer is a tenant, [ELECTRIC UTILITY] may notify the record property owner as set forth in section 3 above. [ELECTRIC UTILITY] shall make reasonable efforts to provide notice in appropriate language for customers who are not proficient in English, except as set forth in section 5 below. To the extent practical, the notice requirements shall be completed prior to a breach of the minimum vegetation clearances or other hazardous conditions identified in section 1 above.

5. For vegetation hazards that pose an immediate threat to public safety, [ELECTRIC UTILITY] may disconnect service to the obstructing property owner's residence or primary place of business at any time without prior notice, except when the customer receives service under a medical baseline allowance. If service is disconnected without prior notice, [ELECTRIC UTILITY] shall attempt to contact the property owner for five consecutive business days by daily visits to the property owner's residence or primary place of business, in addition to sending a written notice, to inform the property owner why service has been disconnected and how to restore service. If [ELECTRIC UTILITY] determines that it is necessary to disconnect service to a medical baseline customer, [ELECTRIC UTILITY] shall attempt to notify the customer by telephone prior to the service disconnection.

## 6. SERVICE RESTORATION

a. When a customer's service has been terminated because access to overhead electric facilities for vegetation management purposes has been obstructed, the customer's service will not be restored until appropriate vegetation management has been achieved or the vegetation hazard has been mitigated, and payment for all applicable restoration of service charges as provided in Electric Rule 11, Section M, Charges for Termination and/or Restoration of Service have been received.

## II. JUSTIFICATION

- **Specific electric utilities, CIPs, and others affected:**

This rule would apply to all investor-owned electric utilities operating electric supply lines.

- **Geographic Areas where the rule will apply:**

The revised rule would apply to northern and southern California in areas designated as Tier 2 and Tier 3 on the CPUC's Fire Threat Map.

- **How the PR reduces or otherwise addresses fire hazards and/or risks in the High Fire-Threat District:**

General Order (GO) 95, Rule 35 requires electric utilities to maintain minimum clearances between trees and high voltage electric lines. The actual clearance distance is set forth in Rule 37 and depends on the voltage of the line.

Like other electric utilities, PG&E trims thousands of trees per day to maintain these clearances. However, it is not uncommon that customers will refuse access or otherwise prevent the utility tree clearance contractors from trimming the tree.

An earlier phase of this fire safety proceeding (D.12-01-032) authorized electric utilities to amend their service termination rules (Electric Rule 11) to include a provision to temporarily terminate electric service to customers who obstruct tree trimming necessary to maintain minimum vegetation safety clearances. This tariff rule applies statewide, however, as currently approved, the electric service termination authority is too narrow for high fire threat areas. It authorizes temporary service termination only when the tree threatens a violation of the minimum clearances set forth in GO 95, Table 1, Cases 13 or 14.

But GO 95, Rule 35 governs more than just tree trimming for minimum electric line clearances. Rule 35 also requires electric utilities to remove trees that are dead, rotten, or diseased or portions of trees that are dead, rotten or diseased and overhanging or leaning toward the electric or communication line. This is particularly important in high fire threat areas. In addition, Rule 35 requires that when utilities have actual knowledge of a tree contact with a low-voltage electric or communication line that threatens the safety or integrity of that line, that condition must be corrected. As currently authorized, Rule 11 provides no authority to temporarily terminate electric service if the customer refuses access for dead, rotten, diseased or leaning trees or to protect secondary distribution lines.

Separately, the California Public Resources Code (Cal. Pub. Res. Code §§ 4292 and 4293) and associated regulations (14 CCR § 1250 *et seq.*) impose additional fire season tree clearing and hazard tree removal requirements in state responsibility (typically rural) areas of California. However, under Electric Rule 11, as currently authorized, utilities have no authority to terminate electric service if the customer refuses access to a tree killed by drought, girdled by bark beetles, rotten or diseased or overhanging or leaning toward and threatening a nearby electric or communication line. Currently, Rule 11 only authorizes the utility to terminate electric service if the customer obstructs access to a the tree that is about grow into the clearance zone in Table 1, Cases 13 and 14.

To extend the coverage to address tree issues in state responsibility areas and hazard trees, PG&E proposes that this proceeding authorize electric utilities to temporarily discontinue service to property owners who obstruct access for tree trimming, pole clearing and hazard tree removal

necessary to comply with GO 95, Rule 35 and the Public Resources Code in high fire-threat areas.

- **The estimated costs of the PR, including, if available, costs incurred by IOUs, POUs, CIPs, and customers:**

Last year, for electric distribution lines (not transmission), PG&E trimmed or removed over 1.4 million trees. About 55% or 770,000 of these trees are in State Responsibility Areas (SRA). Of the approximately 630,000 Local Responsibility Area (LRA) trees, 80% of the properties involve only trimming for Rule 35 clearance compliance. The remainder, however, (126,000) involved hazard tree mitigation work in local areas. This means that for PG&E in 2016, the current temporary service termination rule covers only 36% of the total trees worked for the year (504,000 / 1,400,000). To address trees in high fire-threat areas, a tool that addresses only 36% of the trees will be unworkable.

Going forward, PG&E proposes that the existing, more limited, vegetation management service termination rule will suffice, but for hazard tree removals (especially in bark beetle infested areas) and all tree work in state responsibility or high fire threat areas, utilities need additional authority.

PG&E believes the public benefits outweigh the potential costs to be incurred by electric investor-owned utilities. Currently, the only tool that utilities have to over-come property owner access denials is to prepare a strongly worded, “lawyer” letter and seek local or Cal Fire and law enforcement assistance to gain access. This means that arranging access to a single customer site can take most of two days for up to 10 utility staff and contractors. The new rule will provide additional customer-specific tools that will simplify and expedite the access issues.

- o **Whether and how the costs will be recovered from customers:**

With respect to costs incurred, the investor-owned utilities (IOUs) may track and record costs associated with implementing the new rule in the same manner as was approved by the Commission in Phase 3, Track 1 and 2 of Rulemaking (R.) 08-11-005.<sup>31</sup>

- o **Whether and how costs will be shared among electric utilities, CIPs, and others:**

Costs will be borne by the investor-owned utilities.

- **If the PR applies to electric transmission, why the regulations does not conflict with other federal or state regulations:**

This PR does not conflict with State or Federal regulations as it seeks to provide IOUs expanded authority of an existing disconnection rule.

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<sup>31</sup> D.14-02-015.

- **The timeframe for implementing the PR:**

IOUs would submit to the Commission the revised tariff rule via a Tier 1 advice no later than 90 days after the Commission issues a decision allowing the expanded authority.

- **Why it is in the public interest to adopt the PR:**

This PR would reduce the potential for fire ignitions in areas with elevated and extreme risk of fire ignition.

- **Whether the PR is exempt from the California Environmental Quality Act (CEQA) and/or the National Environmental Policy Act (NEPA) and, if so, why. Any assertion that CEQA and NEPA do not apply must cite the relevant statutes and/or regulations where the exemption is listed. Conversely, any assertion that CEQA and/or NEPA do apply must (1) cite the relevant statutes and/or regulations that show this, and (2) list the steps that need to occur under CEQA and/or NEPA before the PR can be adopted:**

This PR is exempt from environmental review under Section 15378 of the California Environmental Quality Act (CEQA) Guidelines because it is not a “project” under CEQA and will not have any potentially significant impact on the environment. NEPA does not apply because adoption of the proposed rule change does not constitute action by a federal agency within the meaning of 42 USC § 4332.

- **Criteria regarding (1) where the PR should apply with respect to new installations and reconstruction in the High Fire-Threat District; and (2) whether existing facilities in the High Fire-Threat District should be retrofitted or replaced to conform to the PRs. *(These criteria should include methods for: (a) Estimating the costs and safety benefits of the PRs, and (b) weighing the costs and safety benefits.):***

The PR if adopted would expand IOU authority for disconnecting customers that have vegetation in close proximity to powerlines and poses an elevated fire risk.

- **A detailed summary of any ancillary issues with a direct nexus to the PR:**

No ancillary issues have been identified

- **Other matters to be considered:**

None.

### III. POSITION OF PARTIES

- **Comments in Support**

#### **IBEW 1245**

IBEW 1245 supports this proposed rule. This is an instance where individual property rights prerogative should be marginalized in the interest of the broader public interest.

#### **Liberty CalPeco**

Liberty CalPeco supports the tariff language contained in PR-22. Liberty CalPeco's only concern is the limitation in applicability to Tier 2 and Tier 3. In order to avoid any confusion on whether Liberty CalPeco maintains its ability to address similar vegetation concerns in Tier 1 areas, Liberty CalPeco requests that the Commission allow Liberty CalPeco to maintain its current tariff language and add the PR-22 language as a new section of Rule 11.

- **Comments in Opposition**

#### **SED**

PR 22 addresses changes in Investor-Owned Utilities (IOUs) Electric Tariff Rule 11. More specifically, PR 22 attempts to broaden IOU authority with respect to disconnecting service and decrease IOU responsibility with respect to current customer noticing procedures and requirements. There are two (2) primary issues with PR 22. First, PR 22 modifies and expands the conditions under which IOUs are authorized to disconnect a customer's service, for vegetation management activities, from "situations where there is breach of the minimum vegetation clearances required for power lines in General Order (GO) 95, Rule 35, Table 1, Cases 13 and 14..." (i.e. the current rule) to situations where "there is a breach ***or imminent threat of breach*** of the minimum vegetation clearances required for power lines in GO 95, Rule 35, Table 1, Cases 13 or 14..." (Emphasis added). By expanding IOU authority for disconnecting service to cases where there may be an "imminent threat" of breaching GO 95 clearance requirements, for the purposes of completing vegetation management activities, the IOUs will be holding customers to a compliance standard (i.e. "imminent threat of breach") to which the IOUs themselves are not held accountable. Furthermore, SED contends that the phrase "imminent threat of breach" is highly subjective and has the potential to authorize IOUs disconnecting of service when no actual GO violation exists, subject to the IOUs interpretation of what constitutes an "imminent threat of breach."

Lastly, the edits to Paragraph 4 in PR 22 remove the requirement for IOUs to follow current procedures and notice requirements applicable to discontinuance of service for nonpayment, which include provisions for sensitive customers, customers not proficient in English, multifamily accommodations, and other customer groups. Instead, PR 22 mandates specific timeframes for noticing customers (i.e. 10 days prior to proposed termination) with no reference to abiding by current customer noticing requirements or procedures. This may become problematic as customer noticing requirements and procedures are updated over time to reflect and respond to technological, environmental, or political changes and advancements, the



requirements in PR 22 will not necessarily be updated accordingly. Additionally, while Paragraph 4 of PR 22 attempts to include provisions for particular customer groups, concerning notice of impending discontinuance of service, there is a glaring omission regarding noticing requirements for sensitive (e.g. medical baseline) customers, which are in the current text of Electric Tariff Rule 11. For the reasons stated above, SED opposes PR 22.

- **Final Vote:**

<b>PARTIES</b>	<b>NOT PRESENT</b>	<b>YES</b>	<b>NEUTRAL</b>	<b>NO</b>
AT&T			x	
BVES		x		
CALTEL	x			
CCTA			x	
CFBF	x			
Charter Comm.			x	
City of Laguna Beach			x	
CMUA		x		
Comcast			x	
Consolidated Comm.			x	
Cox Comm.			x	
Crown Castle			x	
CTIA			x	
ExteNet	x			
IBEW 1245		x		
LA County Fire				x
LADWP		x		
Liberty CalPeco		x		
Mussey Grade Road Alliance			x	
PacifiCorp		x		
PG&E		x		
SED				x
SCE		x		
SDG&E		x		
Small LECS			x	
SMUD		x		
Sprint-Nextel	x			
T-Mobile			x	
TURN				x
Frontier			x	
Verizon Wireless	x			

# Appendix C

## Workshop Protocols

## **R.15-05-006 - Fire Safety Technical Panel**

**Workshop Protocols for Proposed Fire-Safety Regulations (PRs) related to California Public Utilities Commission (Commission) Fire Threat Map** *(based on Appendix D – R.08-11-005, Phase 3, Track 3, Workshop Report)*

### **1. PURPOSE**

The California Public Utilities Commission (Commission) Decision (D.)17-01-009 adopted a work plan for the development and adoption of a statewide fire-threat map known as Fire Map 2. The purpose of Fire Map 2 is to designate areas where there is an elevated hazard for utility-associated wildfires to occur and spread rapidly, and where communities face an elevated risk from utility-associated wildfires. Fire Map 2 will be used to delineate the boundaries of a new High Fire-Threat District where stricter fire-safety regulations apply. Fire Map 2 will consist of two independent maps – the Commission’s Fire Threat Map and the Tree Mortality HHZs Map.

D.17-01-009 also established a schedule to adopt new fire-safety regulations for the High Fire-Threat District by December 2017. The schedule to submit the initial Fire Safety Technical Panel (FSTP) report, additional Proposed Fire-Safety Regulations (PRs) and comments on the FSTP Workshop Report was revised in an Administrative Law Judge (ALJ) Ruling issued March 01, 2017.

These workshop protocols address the means and methods for vetting PRs approved by the Commission for inclusion in publicly noticed FSTP all-party workshops and identifying consensus and non-consensus PRs to be submitted to the Commission in a Workshop Report.

### **2. PARTICIPANTS**

“Participant” is defined as any representative of a party to this proceeding who participates in one or more scheduled workshop. A party may bring as many representatives to participate in a workshop as necessary. A primary contact or spokesperson for each party shall be designated for purposes of notices and document distribution.

### **3. AGENDAS**

An agenda for each workshop will be developed by the Chair or Co-Chairs (with assistance from Participants as-needed) starting with the first meeting, and may be updated at the meeting as agreed upon by the Participants. The agenda will specify the date, time, location and host /contact person for the meeting and will list the matters to be addressed.

3.1 To the extent possible, work items requiring the presence of Participants with special qualifications or expertise are to be scheduled on the same or consecutive days.

3.2 To the extent possible, PRs requiring the presence of Participants with special qualifications or expertise are to be scheduled for discussion on the same or consecutive days.

3.3 The Participants may agree to defer a work item or PR if, during discussion, it becomes apparent that participants with special qualifications or expertise, not then present, are needed.

3.3 A party represented by a single Participant may request that a work item or PR of particular interest to them not be addressed on a specific date if they cannot be present on that date. Such a request should be made to the Chair or Co-Chairs as soon as the party's scheduling constraint becomes known to them, and reasonable efforts will be made to accommodate such requests.

### **4. DISCUSSION PRINCIPLES**

4.1 The discussions will be governed by the following general principles:

4.1.1 Describe the specific proposal. (Specific circumstances at issue in an OII pending before the Commission will not be considered.)

4.1.2 Identify and understand the Participants' respective points of view, interests and desired outcomes relative to the subject matter.

4.1.3 Obtain (to the extent feasible) information that Participants believe is necessary to understand the topic and make an informed decision.

4.14 Address all interests insofar as possible.

4.2 During workshops or meetings, opportunities will be allowed for a brief ongoing evaluation of progress and process (“process checks”).

## **5. DECISION MAKING PROCESS**

5.1 Consensus will be sought utilizing a “levels of agreement” process:

5.1.1 “Consensus” is defined as no “Level 2” votes.

5.1.2 Levels of agreement scale:

- Level 1 - I support/can live with this recommendation or PR.
- Level 2 - I do not support/cannot live with this recommendation or PR.
- Level 3 - I abstain/am neutral.

5.1.3 Each party will state a single Level of agreement, regardless of how many Participants it has brought to the workshop or meeting.

5.1.4 A “straw vote” to ascertain the level of support for, or opposition to a recommendation or PR may be called for at any time and should be held prior to a final vote.

5.1.5 Tentative working agreements may be reached on parts of a recommendation or complex PRs.

5.1.6 If no party gives a recommendation or PR a “Level 2” vote, the item is agreed upon. Otherwise the item may be:

5.1.6.1 Submitted to a smaller working group to refine outside of the workshop process and then brought back for later consideration; or

5.1.6.2 Assigned as an Alternative Recommendation (AR) or Alternative Proposal (AP) in which one or more parties, individually or in small working groups, return to a later workshop meeting with an alternative to an existing recommendation or PR;

5.1.7 If an AR or AP does not lead to agreement, the proponent(s) may submit their AR or AP for a vote by Participants. Each AR or AP, together with the voting results and any statements of rationale Participants wish to provide, should be included in the Workshop Report.

5.1.7.1 An AR or AP not voted on by Participants or withdrawn by its proponent(s) will not be included in the Workshop Report.

5.2 Parties are responsible for having an informed Participant at each meeting who has authority to discuss the topics to be addressed, and who will seek management input prior to a final confirmation vote in order to expedite workshop efforts.

5.3 Any party that, without prior notice to the other parties, is absent from a meeting, is deemed to have abstained from the determination of Levels of agreement, and waived the opportunity to challenge or propose an alternative.

5.3.1 This protocol may be waived by agreement of the parties at a subsequent meeting in the event a party's absence was due to circumstances beyond its control.

5.4 Agreed-upon items will be placed on a confirmation agenda, to be addressed at the subsequent group of meetings, in order to allow parties time to seek final approval by their respective management, when such approval has been stated by parties to be necessary. Except for the final scheduled workshop(s), any party may remove an item from the confirmation agenda for further consideration, based on their management's direction.

5.5 Each Participant is responsible keeping their own organization or constituency group(s) informed of the progress of the workshops and to timely seek advice, comments and authorization as required.

#### 5.6 Participation by Proxy

Parties represented by a single Participant may designate another Participant to serve as their proxy for purposes of expressing Levels of agreement, if they are unable to attend a workshop. In order to utilize a proxy, the party must satisfy the following:

5.6.1 The party shall notify the Chair or Co-Chairs and other parties by email at least one (1) business day prior to the meeting at which they expect to be absent; and

5.6.2 The party shall provide clear directions to the proxy regarding any limitations on the proxy's authority, in the event a work item is modified in the course of discussion; and

5.6.3 The Participant serving as a proxy must inform the Facilitator (if different from the Chair or Co-Chairs) and Participants of their role at the beginning of the meeting.

## **6. COMMUNICATIONS**

6.1 Participants may meet or conference among themselves between workshops.

6.2 Audio and video recording devices are not to be used in meetings for any purpose. Participants are encouraged to explore ideas freely and the only agreements are those explicitly reached.

6.3 A Chair or Co-Chair shall be designated to keep the assigned ALJ informed of the dates, times, location and host contacts for upcoming workshops, in time for that information to be posted on the Commission's website and to be periodically issued in rulings as the ALJ deems appropriate.

## **7. INFORMATION MANAGEMENT**

7.1 A summary will be prepared following each workshop, noting:

7.1.1 Participants;

7.1.2 Key points of discussion;

7.1.3 Consensus, if reached, with supporting rationale and vote tallies (if taken); and

7.1.4 ARs or APs (if any).

7.2 The meeting summary will be prepared by a Chair, Co-Chair, or designated Participant. Meeting summaries will be available as soon as practicable and will be emailed to all Participants. The meeting summary will be reviewed by the Participants. Necessary corrections will be addressed at the next workshop.

7.3 Information will be posted to the SED website, as necessary.

7.3.1 Participants, and the parties they represent, reserve all rights to preserve the confidentiality of information in their possession, and participation in the workshop shall not be implied or understood to constitute a waiver of such rights.



## **8. ROLES**

### **8.1 Chairs, Co-Chairs, and Facilitators:**

#### **8.1.1 Work on behalf of the Participants.**

8.1.2 Make participation easier and encourage participation by all who wish to do so;

8.1.3 Remind Participants of the protocols as necessary;

8.1.4 Suggest strategies to move the discussion along, as appropriate;

8.1.5 Carry out such other supportive activities as agreed upon by the Participants or as directed by the ALJ.

### **8.2 Participants:**

8.2.1 Listen carefully, ask pertinent questions and educate themselves and others regarding the issues and interests that must be addressed, in a collaborative rather than confrontational manner.

8.2.2 Fully and thoughtfully explore the issues before forming conclusions.

8.2.3 Search for creative solutions that best serve the issues and interests that must be addressed.

## **9. REPORTING**

The final product will be a written Workshop Report that documents consensus recommendations and ARs; or consensus PRs and APs. The Workshop Report will be filed with the Commission or otherwise made a part of the official record as directed by the assigned ALJ.

9.1 If specific instructions regarding the outline and content of the Workshop Report are not included in a Scoping Memo or Decision, previously submitted workshop reports may be used as guides.

9.2 It is recommended that the Participants select a Chair, Co-Chair(s), and a small number of Participants to serve as the Workshop Report committee.

## **10. ACCESS AND ACCOMMODATIONS**

Workshops shall be noticed on the Commission's Daily Calendar and scheduled in locations that comply with the Americans with Disabilities Act.

**Reviewed and approved:** May 9, 2017

# Appendix D

## Participating Parties

<b>PARTICIPATING PARTIES</b>
AT&T California & New Cingular Wireless PCS, LLC
Bear Valley Electric Service
California Cable & Telecommunications Association (CCTA)
California Farm Bureau Federation
California Municipal Utilities Association (CMUA)
Charter Communications
City of Laguna Beach
Comcast Phone of California, LLC
Consolidated Communications of California
County of Los Angeles Fire Department
Cox Communications California, LLC
Crown Castle NG West, Inc.
CTIA-The Wireless Association
Frontier
IBEW 1245
Los Angeles Dept. of Water and Power
Liberty Utilities (CalPeco Electric) LLC
Mussey Grade Road Alliance
PacifiCorp d/b/a Pacific Power
Pacific Gas and Electric Company
Sacramento Municipal Utility District
Safety and Enforcement Division - ESRB
San Diego Gas and Electric
Small LECs
Southern California Edison
T-Mobile
The Utility Reform Network (TURN)

# Appendix E

## CAL FIRE Responses to ALJ Questions

Following a presentation by Dr. Joseph Mitchell (MGRA) and discussion by parties during the June 7 workshop meeting, ALJ Kenney posed several questions regarding the need for a fire-wind map and the feasibility of developing such a map. ALJ Kenney specifically requested that Dave Sapsis (CAL FIRE) respond to these questions and also encouraged parties during the June 8 workshop meeting to also respond in their Opening Comments to the Workshop Report. The following is a copy of ALJ's Kenney's questions transmitted to parties in an e-mail on June 7 and the *response* by Mr. Sapsis.

1. Is there data available to develop a fire-wind map?

*Dave Sapsis (CAL FIRE): Preliminary data at 2 km resolution produced for Map 1 is available, and has been expanded from a 10 year to a 13 year history, using downscaled WRF modeling. The data will require further work on bias correction and gust wind/duration modeling, application of estimators and confidence of those estimates (i.e., statistical modeling), and attendant QA/QC processes to assure the data are up to the task of rule application.*

2. How would the “dedicated subsequent proceeding” be initiated – by a Commission OIR, utility-filed applications, or some other procedure?

- a. Who would write the OIR -- SED staff?
- b. Who would file the application(s) – the electric IOUs?
- c. Should there be a deadline for the OIR/application(s)? If yes, what would be the deadline?
- d. If another procedure, what would it be, and who would be responsible?

*Dave Sapsis (CAL FIRE): Pending Executive support, Cal Fire would like to be considered advisory to whatever process and content regarding work initiation is pursued. Cal Fire believes that rules associated with wind loads are germane to fire safety and are not adequately scoped in the current proceeding.*

3. Does the following variant of the “SDG&E model” provide a reasonable approach for developing a fire-wind map and appropriate mitigation?

- a. Each electric IOU develops its own fire-wind map.
- b. The Commission decision in R.15-05-006 provides guidance for the development and content of the IOU fire-wind maps. What should this guidance be?
- c. CAL FIRE or IRT reviews each utility's fire-wind map. Perhaps an analogy is the use of an independent evaluator for IOU electric procurement contracts.
  - i. How would the IRT be selected, vetted, contracted, and funded?
  - ii. What criteria would the IRT use to evaluate fire-wind maps?
- d. Each IOU reimburses CAL FIRE's and/or IRT's costs.

- e. Each IOU files application for Commission approval of its CAL-FIRE and/or IRT reviewed fire-wind map.
- f. Each IOU with RAMP proposes appropriate mitigation for its service territory in its next RAMP filing.
  - i. Alternatively, instead of RAMP, an IOU's Commission-approved fire-wind map would be recognized as a GO 95 "known local condition" for the IOU and the CIP facilities in the IOU's service territory.
- g. Separately, SED would assess the need for new and revised regulations based on the IOUs' Commission-approved fire-wind maps and, if SED deems appropriate, SED files petition for rulemaking with proposed regulations (or compliance filing that states no new regulations are needed).

*Dave Sapsis (CAL FIRE): Cal Fire is willing to work in conjunction with utility experts on data development, but would prefer following an independent science team approach whereby the team develops wind data for scoping wind related rules. This team would be selected based on the explicit nature of the work and include coverage of climate science and modeling, meteorologists, mechanical/utility engineers, fire scientists and statisticians, to make sure the product meets the QA/QC needs of scoping wind rules. To avoid confusion with other similar groups and acronyms used in this and associated recent proceedings, we would offer up a new name for this unique group: Independent Wind Expert Team (IWET). The team could function to review and validate independent IOU products or create them in consultation with IOU's. Ideally, final authority for wind data would be given to the independent team.*

4. If there is an OIR:

- a. What would be the scope of the OIR -- fire wind maps and fire-wind load standards?
- b. Should the Commission decision in R.15-05-006 provide guidance for the development and content of fire-wind maps? What should this guidance be?
- c. Who would develop the statewide fire-wind map – CAL FIRE? What would be the funding and procedures for CAL FIRE's development of the fire-wind map and the Commission's review and approval?
- d. What would be the scope of the rulemaking with respect to fire-wind load standards?

*Dave Sapsis (CAL FIRE): Cal Fire believes that the creation of spatially resolved wind maps consistent with the needs of rule scoping must follow a consistent modeling approach, and use the best available tools for creating precise and accurate data within the limits*

*of resources. Given that the process for wind development is not dependent on restriction to scoping the influence of winds on fire activity and risks, we believe that the modeling is best accomplished using techniques that provide wall-to-wall year round data that can then be restricted to fire concerns through the use of a robust fire potential/fuel moisture filtering process that refines the broader scope dataset into a refined data appropriate only for fire-related rules. The IRT is currently already developing a state-of-science filter using processes and data gleaned from Southern California Predictive Services (USFS Tom Rolinski), who have operational experience with relating weather conditions to fire potential. There is no significant decrease in workload associated with building the 365-day data products in lieu of a fire-only wind map. Consequently it seems prudent to scope both total loading from environmental conditions as well as loading specific to fire risks in one effort. If additional components of 365-day load were to be included (e.g., ice loads), additional modeling effort would be required, but is entirely within the framework envisioned.*

*At this juncture, with a draft Memorandum of Understanding being developed between the CPUC and Cal Fire designed to address a number of mutual program objectives, ongoing cooperative work and support through in-kind resources would seem expected. A similar funding schema, where outside independent work is financed through fire safety accounts and third-party contract agreements would appear to be the most convenient means for conducting the work.*

*The above comments have been made without extensive internal or external dialog, and simply represent initial thoughts on a process for seeing wind data and wind-related regulations implemented. Ideally, the FSTP workshop report will include the relevant wind-related PR's and thus provide for an avenue a more detailed and comprehensive discussion via comments to filings within this proceeding. Further, Cal Fire would like the opportunity to talk in more detail with CPUC staff about various procedural options that might be employed to make the process both effective and efficient.*