

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



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*Order Instituting Rulemaking to Examine  
Electric Utility De-Energization of Power  
Lines in Dangerous Conditions*

Rulemaking 18-12-005  
(Filed December 13, 2018)

**RURAL COUNTY REPRESENTATIVES OF CALIFORNIA COMMENTS  
ON PROPOSED ADDITIONAL AND MODIFIED DE-ENERGIZATION  
GUIDELINES**

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February 19, 2020

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**I. Introduction**

In accordance with Rule 6.2 of the California Public Utilities Commission (“Commission”) Rules of Practice and Procedure (“Rules”), the Rural County Representatives of California (RCRC) submits comments to the Order Instituting Rulemaking 18-12-005 (“Rulemaking”).

**II. Comments**

On behalf of the Rural County Representatives of California (RCRC), I am pleased to offer comments on the *Proposed Additional and Modified De-Energization Guidelines* from the Administrative Law Judge’s Ruling dated January 30, 2020. RCRC received party status via written ruling on March 18, 2019. RCRC is an association of thirty-seven rural California counties, and its Board of Directors is comprised of one elected supervisor from each of those member counties. RCRC member counties comprise the vast majority of the state’s forested lands and high fire hazard severity zones. As such, our communities have borne the majority of destruction caused by high severity wildfires and experienced most of the state’s Public Safety Power Shutoff (PSPS) events.

In general, RCRC believes Attachment 1 of the *Proposed Additional and Modified De-Energization Guidelines* complements existing guidelines and is a welcome addition to the Phase 1 Decision (D.19-05-042) and Resolution ESRB-8, but that additional changes are needed to adequately protect public health and safety.

### **WORKING GROUPS AND ADVISORY BOARDS**

We applaud the *Proposed Additional and Modified De-Energization Guidelines* (Proposal or Attachment 1) for its inclusion of local government working groups and (ideally) safety-focused advisory boards. Our member counties' experiences and relationships with their respective electric utilities vary greatly and local governments would benefit from a formal avenue to constructively engage with electric utilities—at regular intervals—to plan and better coordinate future public safety power shutoffs (PSPS). Because neighboring counties can vary greatly—whether topographically, socioeconomically, or by population concentrations—we encourage these workgroups, at least initially, be convened on an individualized county-by-county basis and not comprise overly-large regional swaths. Not until after workable and implementable protocols are developed and trust restored with local officials and residents should these workgroups be broadened to incorporate larger regions. While there is merit to regional planning, the utilities must be directed to focus on the needs of their customers in individual counties, rather than the region as a whole. During the 2019 PSPS events, our member counties all too often experienced situations in which utilities depended on resources deployed to neighboring counties to meet the needs of a particular jurisdiction. The internal resources available and capacity to complement utility notification and mitigation efforts may vary significantly from county to county, so it is inappropriate to assume that a regional approach will be sufficient. The early successes of these working groups will be key to developing cooperative working relationships across the board in a given service territory.

We would also like to note that local governments are not the only beneficiaries in this situation. Local government working groups would give electric utilities an avenue to have regular, open dialogues on issues to avoid unnecessary or costly delays to the implementation of their Wildfire Mitigation Plan (WMP) such as governmental permitting and environmental restrictions. Successful WMPs over time will eventually negate the need to conduct de-energization events. Too often electric utilities—PG&E in particular—have laid “external factor” blame at the feet of

local government entities for not meeting their targets because they leave time-consuming processes to the last minute. These working groups could help mitigate these “unforeseen” delays.

### **DE-ENERGIZATION EXERCISES**

De-energization exercises are a noble endeavor but are not without negative consequences for local agencies and critical facilities. We believe the PSPS events that occurred over Fall 2019 were worst-case scenarios and should not be replicated unnecessarily. As such, RCRC supports tabletop exercises such as testing communications between customers, critical facilities and local agencies. Given the massive communications outages associated with the October 2019 PSPS events, it is important to ensure that adequate consideration is given to the integral role that communications facilities play and that their resilience is imperative in order to avoid potentially life-threatening consequences if a fire or medical emergency occurs during a PSPS event. RCRC also believes that the tabletop exercises should also include running through scenarios to provide adequate mitigation to medical baseline and access and functional needs populations, including the provision of backup power and potential transportation and accommodation of those in need. Finally, these tabletop exercises must also consider how to respond to an emergency that occurs concurrently with a PSPS event, such as occurred during the disastrous October 2019 Kincade Fire in Sonoma County, and how to properly mitigate that emergency to protect public health and safety.

RCRC is concerned that additional testing of back-up power resources beyond current protocols will effectively penalize facilities for utilizing generators, which are tightly regulated by the California Air Resources Board and local air districts. RCRC recommends transitioning the physical testing of these resources to instead focus more on simulated scenarios of procuring back-up batteries and other sources of short-term electric generation so communities are still able to appropriately respond to an actual PSPS event.

Because of limited local resources and the burdens associated with actual loss of power, RCRC hopes these exercises do not result in an actual de-energization event. Rural communities have suffered enough with unreliable electricity via proactive de-energization events and simply should not be burdened any more than already necessary and as a last resort to prevent utility-caused wildfire ignitions.

### **WHO, WHEN, AND HOW SHOULD NOTICES OCCUR**

We appreciate directing utilities to pursue all reasonable communication channels prior to, and during, de-energization events, as well as ensuring that communications carriers similarly receive accurate information so they too can ensure their infrastructure is resilient. In many cases it is simply vital that precise locality information be given to customers and the public at-large so they may adequately plan to shelter in place or prepare contingency plans and know where to relocate. Local government officials and staff must also be able to trust that the information they are given is accurate and reliable. In some cases, local jails were unnecessarily planning a costly—and potentially dangerous—evacuation due to poor and conflicting notices and mapping.

RCRC supports, for example, the public alerts Southern California Edison (SCE) is proposing to deploy in 2020 that would notify any mobile phone in a PSPS-impacted area without requiring prior sign-up.<sup>1</sup> This is an innovative solution and will go a long way to ensure the safety and awareness of non-account holders such as tenants, relatives, tourists, and domestic workers in a PSPS affected area. Millions of visitors enjoy recreational opportunities in rural areas and need a reliable method to receive these alerts during their stay in hotel lodging or short-term housing rentals regarding the conditions of the area in which they are currently situated. Similarly, the Getty Fire in Los Angeles County illustrated the peril domestic workers face when they are unaware of evacuation notices in areas in which they do not reside.<sup>2</sup> Non-local workers need assurances that they will not be stranded or impacted during a PSPS event and need to receive PSPS notices when they are in an impacted area.

When considering how to provide notice of anticipated PSPS events and power restoration, it is important to recognize that a significant portion of the state’s population does not have access to the internet, including some of the state’s most vulnerable residents that live in underserved and unserved broadband regions. Given the lack of internet in many areas and insufficient cellular coverage in other rural areas, RCRC believes that multi-channel communications are essential and cautions against assumptions that residents will easily be able to “click through” a hyperlink to find out more information about an event or the resources that may be available.

### **COMMUNITY RESOURCE CENTERS (CRCs)**

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<sup>1</sup> Page 5-118 on Southern California Edison’s 2020-2022 Wildfire Mitigation Plan, <https://library.sce.com/content/dam/sce-doclub/public/2020-wildfire-mitigation-plan/sce-2020-wmp/SCE%202020-2022%20Wildfire%20Mitigation%20Plan.pdf>

<sup>2</sup> LA Times Article October 28, 2019, *Getty Fire: Housekeepers and gardeners go to work despite the flames*; <https://www.latimes.com/california/story/2019-10-28/getty-fire-housekeepers-arrive-to-work>

RCRC has been very concerned with how PSPS events impact rural residents, including elderly and medically sensitive residents. RCRC supports creating a Community Resource Center (CRC) plan in consultation with local governments. Local governments are uniquely positioned to be able to identify sites where CRCs can be opened quickly during a de-energization event.

RCRC supports efforts to improve the deployment of CRCs because those that were deployed during the 2019 PSPS events were inadequate with respect to the services provided, number of facilities, convenience of facilities, and hours of operation. While we appreciate the steps utilities are taking to improve the accessibility and availability of, and services provided by CRCs, we believe it is essential that the CPUC establish baselines for the provision of CRCs.

RCRC believes that the Community Outreach Vehicles (COVs) deployed by SCE and outdoor parking lot tent facilities provided by PG&E during the 2019 PSPS events were inadequate both in terms of the services available and the number of units deployed. We support the utilities' efforts to site CRCs at fixed facilities during future PSPS events and believes that should be the standard unless fixed facilities are unavailable to meet the needs of the community. We believe that utilities should generally try to utilize facilities like libraries, community centers, senior centers, sports centers, fairgrounds, and school gymnasiums as CRCs because those types of facilities have the capacity to serve larger populations with a number of different types of resources during an emergency. Utilities should work well in advance to identify those facilities that could be utilized as a CRC and work to ensure that the electrical improvements are available to quickly install a mobile generator if the facility is not already equipped with backup generation. If the sites identified and utilized as CRCs are not equipped with backup generation, the utility should provide such generation and fuel at its own expense.

RCRC believes that IOUs should work with local governments to jointly identify sites where CRCs can quickly be opened upon a de-energization event. Those sites must provide the services identified by the applicable local government, be open and accessible around the clock until service is fully restored in the area, and be located a reasonable distance from the population impacted. As such, we support the CPUC proposal to site CRCs within 30 minutes driving distance from an impacted population; however, we believe that utilities must endeavor to make accommodations for mobility impaired residents who may otherwise be unable to access the resources available at a CRC. At a minimum, RCRC believes that utilities should open one CRC

in each impacted county, but with an expectation that the number should increase based upon the size (such as population density or geography) of the county.

With respect to the resources available, CRCs should be able to provide far more than just light refreshments and phone charging capabilities. CRCs should be operated to meet the needs of the community by providing hygiene facilities and space for resting if the power is anticipated to be shut off for extended periods of time (e.g. in excess of 12 hours) or for back-to-back PSPS events. Furthermore, CRCs should be well designed so that they can meet the power needs of access and functional needs residents to support the use or recharge of medical devices.

Finally, RCRC believes that a local government should be free to site and operate one or more CRC within its own jurisdiction. If a local government elects to site and operate a CRC, the electrical corporation providing service to that jurisdiction shall reimburse the local government for the costs and labor incurred in setting-up and operating that center. The need for local governments to operate their own CRCs will likely significantly diminish based on the quality of IOU coordination with local governments on siting CRCs and providing the services identified by those local government partners.

### **POWER RESTORATION**

The general public that resides, works, or visits a PSPS-affected area needs a universal understanding of what to expect during PSPS events, including restoration of service. School cafeterias, for example, will need to re-stock lost perishables to service children. Rural areas can often lack workforce housing for part-time or seasonal workers and they, therefore, can experience longer commuting distances to their workplace. They too need assurances when they can logistically return work and plan accordingly.

While we understand the need for post-event system inspections, we support further accelerating service restoration beyond the 24 hours in the Proposal. RCRC requests consistency with D.00-05-002 which requires service restoration within an average of 12 hours after major storms. We agree that this could reasonably occur, as the CPUC has suggested, in PSPS situations if utilities request resources to perform post-event inspections through mutual assistance processes to significantly expedite service restoration.

RCRC also believes that there should be advanced notice of when service will be restored and prompt notice to local officials when restoration occurs. We have heard many anecdotes of residents suffering losses or fires as a result of the unexpected restoration of power. Furthermore,

local officials need to know where to deploy resources and when those resources are no longer needed. While the utilities should notify individual residents about anticipated power restoration, they should also communicate that information to the respective local government. While we support restoring power as soon as safely practicable, we believe there would be a benefit from having a standard notification protocol in advance of energy restoration.

### **TRANSPORTATION RESILIENCE**

The Fall 2019 PSPS events illustrated the downstream effects that large, widespread PSPS outages can have to neighboring urban areas and appreciate the CPUC's recent attention on the transportation sector's needed resilience. The transportation sector should be included in the definition of critical infrastructure during de-energization events. We appreciate the CPUC's efforts to ensure deployment of mobile electric vehicle fast charging systems and understand that this should relieve some PSPS-related transportation challenges for a small segment of the population. At the same time, decision makers should understand that there is a significant portion of the population that has mobility challenges and may need additional transportation accommodations during a PSPS event.

### **MEDICAL BASELINE AND ACCESS AND FUNCTIONAL NEEDS (AFN) POPULATIONS**

RCRC is especially concerned about how PSPS events impact medically-sensitive residents, which is why RCRC has been a strong advocate for legislative and regulatory changes to require IOUs to mitigate PSPS impacts on medically-sensitive individuals. We appreciate the Proposal's direction that IOU's provide a plan, in collaboration with others including local governments with respect to medical baseline customers and access and functional needs (AFN) populations. An effort to better understand who needs advanced notification and how to properly mitigate PSPS events for these medically-fragile and/or low-income individuals and keep them safe during a power outage is needed prior to de-energization events expected during the dry season.

The needs assessment discussion focuses exclusively on identifying "current and unsubscribed medical baseline customers." Unfortunately, this perpetuates an inherent and dangerous flaw: by evaluating only medical baseline customers and those eligible for enrollment, the proposal excludes large groups of medically-sensitive residents who also need notifications and mitigation that medical baseline customers receive. Rather than focus on customers who are



either enrolled in or who otherwise qualify for medical baseline assistance, the CPUC should clearly direct utilities to conduct a survey of its customer base (including those who reside in dwellings served by a master meter) to determine what assistance is needed by whom during a PSPS event. While we understand that the proposal would have utilities report annually on planned efforts to address access and functional needs customers during de-energization events, we do not believe that this group can or should be treated any differently than the universe of medical baseline customers and those eligible for the medical baseline program. Tailoring the “needs assessment” to “current and unsubscribed medical baseline customers” is flawed for several reasons:

- The existing medical baseline programs are under-subscribed and under-representative of the larger universe of AFN individuals for whom utilities should mitigate PSPS impacts. This disparity was highlighted by the Los Angeles Department of Public Health’s observation that while only 491 medical baseline customers were listed as impacted by the de-energization of twenty-six SCE circuits in the October 2019 PSPS events, there were over 1,400 individuals on those circuits who were listed on the federal emPOWER database, which identifies Medicare beneficiaries who rely on life-sustaining medical equipment.<sup>3</sup> While utility medical baseline lists may be a reasonable starting point for determining community needs during a PSPS event, utilities must reach far beyond those lists to get a better understanding for how the loss of power can impact some of the state’s most vulnerable residents and to determine what steps need to be taken to mitigate those impacts.
- Medical baseline programs do not extend to residents who live in dwellings served by a master meter. While RCRC understands that it may be difficult for utilities to determine if any AFN individuals are served by a master meter, this is exactly why utilities should proactively survey local populations and ask recipients to identify whether they may need assistance during a PSPS event.
- Medical baseline programs may be under-subscribed because of burdens associated with enrolling in the program, including certification by a medical professional.

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<sup>3</sup> LOS ANGELES COUNTY DEPARTMENT OF PUBLIC HEALTH'S COMMENTS ON SOUTHERN CALIFORNIA EDISON'S PUBLIC SAFETY POWER SHUTOFF REPORTS FOR THE OCTOBER 21-26, 2019, OCTOBER 27-NOVEMBER 4, 2019 AND NOVEMBER 15-17, 2019 CONSOLIDATED EVENTS, December 13, 2019.  
<http://docs.cpuc.ca.gov/PublishedDocs/Efile/G000/M323/K687/323687947.PDF>

While RCRC understands that this is a statutory requirement, the CPUC should recognize that this may limit the enrollment of those individuals who are uninsured or otherwise have challenges visiting a doctor.

RCRC supports the CPUC's efforts to have utilities collaborate with local government partners, AFN advocates and service partners to obtain data to identify individuals so that the utilities can better inform access and functional needs populations of potential PSPS events and mitigate their impacts. We believe that utilities should also include on those lists individuals who have already self-identified to the utility that have a disability (or someone in their household does) and those customers who receive bills and information in a non-standard format.

With respect to the CPUC's statement that, "The utilities and partner organizations should prioritize their efforts for identification, contact, and communication with the disabled, elderly, pregnant women, children, and those with severe injuries or chronic conditions," RCRC notes that D.19-05-042 provides that "the electric investor-owned utilities, as the entity with the most knowledge of and jurisdiction to call a de-energization event and subsequent re-energization, retain ultimate responsibility for development of the communication strategy and notification in advance of, during and after a de-energization event." While RCRC supports the proposed utilities' prioritization of efforts to identify, contact, and communicate with those groups listed above, we believe this should be as part of the existing framework that clearly identifies the utilities as having the "ultimate responsibility" for providing notification of PSPS events.

Utilities should increase efforts to expand enrollment in medical baseline programs and identify and mitigate impacts for AFN individuals who have similar medical needs. While the provision of battery-back up systems is one tool for mitigating those impacts, IOUs should additionally provide transportation and accommodation for other medically-sensitive individuals in situations where their needs may not be met by those devices, where those devices are unavailable, or when their needs cannot otherwise be met by a CRC.

Finally, utilities should not require counties to sign a non-disclosure agreement in order for local governments to obtain information about medical baseline and other sensitive customers, even when that information is sought in advance of a PSPS event to improve local planning efforts. Non-disclosure agreements are unnecessarily restrictive considering that local governments routinely keep sensitive medical information confidential. While RCRC recognizes that utilities retain "ultimate responsibility" for providing notifications and mitigating impacts on medical

baseline customers, many of our member counties have provided supplemental notifications to AFN individuals and inquired as to whether those individuals were in need of assistance during a PSPS event.

## **TRANSPARENCY**

We appreciate the Proposal's interest in transparency and emphasis on quantitative and qualitative factors for why a PSPS event was a measure of last resort. The short-, medium-, and long-term roadmaps from IOU's on reducing the impacts and needs of PSPS events will be illustrative for parties and the greater public alike. We strongly support these transparency efforts, including requiring utilities to provide comprehensive information about de-energization mitigation efforts, including vegetation management, sectionalization switching, system hardening, and backup power projects.

We suggest providing additional information on the specific efforts that a utility is taking to mitigate PSPS-related impacts on medical baseline and AFN populations and critical facilities and infrastructure. For medical baseline and AFN populations, this may potentially include descriptions of the efforts the utility is taking to provide battery backup, transportation and accommodation, and what is being done to encourage the deployment of renewable generation and SGIP<sup>4</sup>-funded energy storage systems for those residents. For critical facilities the utility should provide information on the number of critical facilities it has assessed pursuant to D.19-05-042 requirement to "assess the ability of each critical facility to maintain operations during de-energization events of varying lengths."

## **DEFINITIONS**

RCRC supports the addition of 9-1-1 emergency services and the transportation sector to the definition of critical facilities. Given the rather amorphous nature of the latter term, RCRC recognizes that it may be challenging for utilities to assess the ability of those facilities to maintain operations during de-energization events and the need for backup power for those facilities. Some clarification may be needed to determine whether this definition includes the universe of gas stations and service facilities.

We request the addition of "county election offices" be included in the list of critical facilities and infrastructure to ensure the integrity of our elections process. The timing of the late October 2019 PSPS events raised a new threat for elections. County elections officials operate

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<sup>4</sup> Self-Generation Incentive Program, R.12-11-005.

under tight timelines and can ill afford the confusion and delays that would result if a PSPS occurs near Election Day. Voting is the highest form of civic engagement and should be strategically protected in all parts of the state, including rural areas which experience a disproportionate amount of proactive de-energization events due to our highly vegetative communities. As California moves away from paper ballots it is crucial that we ensure the integrity of our elections processes in light of PSPS events. Every election is important and 2020 will be no different.

Counties utilizing the “vote center” model must provide one vote center for every 50,000 registered voters starting ten days before Election Day and one vote center for every 10,000 registered voters beginning on the Saturday prior to Election Day. These “vote center” counties include Amador, Butte, Calaveras, El Dorado, Fresno, Los Angeles, Madera, Mariposa, Napa, Nevada, Orange, Sacramento, San Manteo, Santa Clara, and Tuolumne Counties. Vote centers will need uninterrupted power to fulfil their obligations to accept ballots, facilitate in-person voting, provide replacement ballots, register voters, and update voter registration information, among other things.

Regardless of whether a county conducts an election at traditional polling places or vote centers, those operations require electricity. While some voting machines may have batteries, their printers usually must be plugged in to operate. Lack of electricity could also compromise the timelines for counting ballots and reporting of elections results to the state.

The designation of county elections offices as a critical facility is even more important because D.19-05-042 requires utilities to partner with critical facilities to assess the ability of each facility to maintain operations during de-energization events of varying length and to help assess the need for backup generation. While the risk that a PSPS event will coincide with the election window may be low, the consequences for failure to plan are serious. As such, we believe that if a PSPS event occurs in the two weeks prior to an election or in the month following an election, the electrical corporation should be required to work with local elections officials to determine whether they will be able to carry out their elections duties. Furthermore, the electrical corporation should provide assistance to the impacted elections officials to ensure that the PSPS event will not adversely affect their ability to conduct the election and tabulate and communicate results as required by law.

Additionally, we also believe the definition of critical facilities should be expanded to include flood control facilities and food banks. Any loss of power to a food bank will hobble

community response and mitigation efforts. It may be very difficult to replace the perishable food lost as a result of spoilage from the loss of power – these consequences would be especially catastrophic around the Thanksgiving holiday season. With respect to flood control facilities, the definition of “water and wastewater systems sector” should additionally include “facilities for the removal of excess surface or groundwater from land by means of surface or subsurface drains; or the collection, conveyance, containment and/or discharge of surface or storm water runoff to prevent overflow or flooding.” These types of flood control systems are vital to prevent the economic losses and public safety consequences associated with flooding. The sudden loss of power to drainage pumps arising from a PSPS event could cause considerable damage to those lands and populations protected by levees otherwise below the surrounding water level.

### **III. Conclusion**

RCRC appreciates your consideration of our comments, and respectfully requests your acceptance of RCRC’s comments for filing.

Dated: February 19, 2020

Respectfully submitted,

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