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

Order Instituting Rulemaking to Implement
Electric Utility Wildfire Mitigation Plans
Pursuant to Senate Bill 901 (2018).

Rulemaking 18-10-007
(Filed October 25, 2018)

**THE PROTECT OUR COMMUNITIES FOUNDATION
APPLICATION FOR REHEARING OF D.20-03-004**

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Pursuant to California Pub. Util. Code¹ section 1731, subdivision (b)(1) and Rule 16.1 of the California Public Utilities Commission (Commission) Rules of Practice and Procedure (Rules), The Protect Our Communities Foundation (POC) submits this Application for Rehearing of Commission Decision D.20-03-004, *Decision on Community Awareness and Public Outreach Before, During and After a Wildfire, and Explaining Next Steps for Other Phase 2 Issues* (Decision). This application is timely because it was filed within 30 days of March 18, 2020, the date the Commission issued the Decision.²

¹ All statutory references are to the Public Utilities Code unless otherwise specified.

² Pub. Util. Code, § 1731, subd. (b); *see also* Cal. Code Regs., tit. 20, § 16.1, subd. (a).

I. INTRODUCTION

The California Legislature required the utilities to include in their Wildfire Mitigation Plans (WMPs) effective wildfire risk reduction measures.³ When the Commission reviewed the utilities' WMPs in 2019, the Commission was unable to determine the effectiveness of the utilities' proposed wildfire risk reduction measures; and, as a result, the Commission imposed a variety of mechanisms to help the Commission assess the effectiveness of the utilities' 2019 WMPs.⁴ One of these accountability mechanisms was to require the utilities to file Reports on Possible Off Ramps via advice letters.⁵ POC files this application to request rehearing and reopening of D.20-03-004's approval of the utilities' advice letters. The Decision misconstrues the applicable statutes, is unsupported by the weight of the evidence in light of the whole record, and employs internally inconsistent rationales that allow the utilities to shirk their statutorily-mandated wildfire prevention and risk mitigation duties that the Commission expressly called out just last year.

As discussed below, effective wildfire risk reduction measures constitutes a condition precedent to WMP approval. The statutorily required independent evaluation that occurs after the Commission's approval of the utilities' WMPs exists as a distinct and independent requirement from the effectiveness requirement. After WMP approval, the independent evaluators are statutorily-obligated to assist with assessing whether the utilities are complying with their WMPs, but by the time the independent evaluators are involved, the Commission must have already determined that the WMPs meet the statutory requirements for WMP approval.

³ Sen. Floor Analysis of Sen. Bill No. 901 (2017-2018 Reg. Sess.) August 31, 2018, p. 13 ("The Legislature intends to reduce the risk of these wildfires by expanding the requirements of the existing wildfire mitigation efforts. This bill includes several measures to help reduce the risk of wildfires...").

⁴ D.19-05-036, *Guidance Decision on 2019 Wildfire Mitigation Plans Submitted Pursuant to Senate Bill 901* (May 30, 2019), p. 3-4, 26, 40-43; D.19-05-039, *Decision on San Diego Gas & Electric Company's 2019 Wildfire Mitigation Plan Pursuant to Senate Bill 901* (May 30, 2019), p. 21-22, 26, 28, 30, 31.

⁵ D.19-05-036, p. 29-30, 40-41.

POC submits this application for rehearing for the additional reason that the Decision is not supported by substantial evidence in light of the whole record when it lists the parties who filed opening comments but fails to mention POC or the Public Advocates Office (Public Advocates). Moreover, the Decision's language suggests that POC's and the Public Advocates comments regarding the information that should have been included in the Report on Possible Off Ramp advice letters have been misconstrued or unjustifiably abbreviated. Thus, POC submits this application for rehearing to so that the Commission may correct its erroneous description of the parties who filed opening comments and its failure to characterize party comments regarding the Off Ramp reports accurately.

This application for rehearing should also be granted on the ground that the Decision is contrary to law and unsupported by the evidence as to the effect and reach of Resolution WSD-001 (WSD-001). Although the Decision suggests WSD-001 resolved all issues raised by the parties commenting thereon, WSD-001 neither addressed the statutory verification requirement nor POC's motion for evidentiary hearings, and the terms of WSD-001 reveal that the issues not addressed in WSD-001 remain in scope in this proceeding.

Thus, POC files this application for rehearing challenging the legal basis for D.20-03-004 on the following limited issues: the erroneous determination to grant San Diego Gas & Electric Company's (SDG&E) and Pacific Gas & Electric Company's (PG&E) respective advice letters; the failure to mention or accurately describe POC's comments; and the misinterpretation of the effect of Resolution WSD-001.

II. STANDARD OF REVIEW

Rule 16.1 requires an application for rehearing to “set forth specifically the grounds on which the applicant considers the order or decision of the Commission to be unlawful or erroneous,” and its purpose “is to alert the Commission to a legal error, so that the Commission may correct it expeditiously.”⁶ POC submits this application for rehearing on the grounds that the Commission failed to proceed in the manner required by law; the Decision is not supported by the findings and was an abuse of discretion; and the findings are not supported by substantial evidence in light of the whole record.⁷

The Commission fails to proceed in the manner required by law by “failing to comply with required procedures, applying an incorrect legal standard, or committing some other error of law,”⁸ including failing to comply with its own procedural rules.⁹ Findings are required by Section 1705, which mandates that a Commission “decision shall contain, separately stated, findings of fact and conclusions of law by the Commission on all issues material to the order or decision,” and by decisional law.”¹⁰ As the California Supreme Court has repeatedly explained:

Findings are essential to “afford a rational basis for judicial review and assist a reviewing court to ascertain the principles relied upon by the commission and to determine whether it acted arbitrarily, as well as assist parties to know why the case was lost and to prepare for rehearing or review, assist others planning activities involving similar questions, and serve to help the commission avoid careless or arbitrary action.”¹¹

⁶ Rule 16.1, subd. (c); Cal. Code Regs., tit. 20, § 16.1, subd. (c).

⁷ Pub. Util. Code, § 1757, subd. (a) (2)-(5).

⁸ *Pedro v. City of Los Angeles* (2014) 229 Cal.App.4th 87, 99.

⁹ *Southern California Edison Co. v. Public Utilities Com.* (2006) 140 Cal.App.4th 1085, 1106.

¹⁰ Pub. Util. Code, § 1705, Pub. Util. Code, § 1757, subd. (a)(3); *Northern California Power Agency v. Public Utilities Com.* (1971) 5 Cal.3d 370, 380 (“Even if we were to assume...that the Commission did in fact take into account the [material issue] [], we would still be compelled to annul the decision because of the Commission’s obvious failure to make appropriate findings. As we have often said, the Commission must make specific findings of fact and conclusions of law relevant to all issues of a case.”).

¹¹ *California Manufacturers Assn. v. Public Utilities Com.* (1979) 24 Cal.3d 251, 258-259 (citations omitted).

In ascertaining the existence of substantial evidence in light of the whole record, an agency “cannot just isolate the evidence supporting the findings and call it a day,” but rather “must consider all relevant evidence, including evidence detracting from the decision.”¹² “Evidence is relevant if it has ‘any tendency in reason to prove or disprove any disputed fact that is of consequence to the determination of the action.’”¹³ Evidence may not be considered “substantial” unless it constitutes “evidence that a rational trier of fact could find to be reasonable, credible, and of solid value.”¹⁴ The Commission abuses its discretion when it exceeds the bounds of reason.¹⁵

The application of these legal requirements demonstrate that the Decision should be vacated with respect to its grant of SDG&E’s and PG&E’s advice letters, its description of the parties’ comments on the advice letters, and its interpretation of the scope of WSD-001. The Decision constitutes a failure to proceed in the manner required by law because neither granting the advice letters nor concluding that WSD-001 resolved all issues raised by the parties conforms to applicable statutory mandates. Granting SDG&E’s and PG&E’s advice letters also constitutes an abuse of discretion because the Decision is internally inconsistent and provides no justification for departing from the requirements imposed by the Commission just last year. The Decision’s interpretation of the effect of WSD-001 lacks evidentiary support because WSD-001 on its face explains that the issues not addressed therein remain in scope in this proceeding. The Decision’s failure to accurately list or characterize party comments is an abuse of discretion, and granting the advice letters is unsupported by the weight of the evidence.

¹² *The Utility Reform Network v. Public Utilities Com.* (2014) 223 Cal.App.4th 945, 959 (“the court must consider all relevant evidence”); *Western States Petroleum Assn. v. Superior Court* (1995) 9 Cal.4th 559, 570.

¹³ *Western States Petroleum Assn. v. Superior Court* (1995) 9 Cal.4th 559, 570.

¹⁴ *Pedro v. City of Los Angeles* (2014) 229 Cal.App.4th 87, 99.

¹⁵ *San Pablo Bay Pipeline Co. LLC v. Public Utilities Com.* (2013) 221 Cal.App.4th 1436, 1460 (“The abuse of discretion standard can be restated as whether the Commission exceeded the bounds of reason.”).

III. BACKGROUND

Last year, in a decision addressing issues common to all of the utilities' 2019 WMPs, the Commission in D.19-05-036 held that evaluating "the effectiveness of the WMPs at mitigating catastrophic wildfires...is the statutory mandate."¹⁶ Although the Commission found that the short initial time frame rendered it impossible to evaluate adequately the effectiveness of the utilities' 2019 WMPs at that time,¹⁷ the Commission highlighted the importance of evaluating the effectiveness of the utilities' wildfire plans in the context of the overall statutory mandate, and also in the specific contexts of the metrics and risk assessment requirements.

The Commission explained that SB 901 required that WMPs include metrics focused on the effectiveness of wildfire risk reduction:

Senate Bill 901 requires useful metrics that measure whether a Wildfire Mitigation Plan is effective in mitigating catastrophic wildfires. The "metrics" the electrical corporations currently use tend to focus on inputs (number of actions taken such as trees cut or miles of conductor installed) rather than outputs or results (effectiveness of the action in reducing the risk of wildfire ignition and spread). The statute requires a focus on outcomes: "A description of the metrics the electrical corporation plans to use to *evaluate the plan's performance* and the assumptions that underlie the use of those metrics."¹⁸

Describing the utilities' risk assessment in their 2019 WMPs as a "black box,"¹⁹ the Commission also explained that SB 901's risk assessment-related subdivisions required the utilities to include an effectiveness analysis in their WMPs:

¹⁶ D.19-05-036, *Guidance Decision on 2019 Wildfire Mitigation Plans Submitted Pursuant to Senate Bill 901* (May 30, 2019), p. 26.

¹⁷ D.19-05-036, pp. 4-5 ("There are limits on what can be accomplished in this proceeding, as the strict statutory deadlines – three months to approve the Wildfire Mitigation Plans, with very limited exceptions – provide little time to evaluate each Plan's effectiveness.").

¹⁸ D.19-05-036, p. 3-4, citing to Public Utilities Code Section 8386(c)(4) (emphasis added); *see also* Pub. Util. Code, § 8386, subd. (c)(4), (5), (21)(C).

¹⁹ D.19-05-036, p. 29, fn. 42 ("Most of the IOU WMPs justify inspection and hardening program proposals as being informed by an internal risk assessment. However, that risk assessment is often a black box with insufficient description of the supporting information and rationale for proposed programs.

The WMP statute refers to the Commission’s safety-oriented processes carried out during GRCs.[] We interpret the inclusion of those processes to reflect a desire to ensure the safety work in GRCs is incorporated into WMPs. We agree that both processes are important to a consideration of the adequacy of utility safety efforts.

Our recent decision in the S-MAP/GRC context adopted an approach that prioritizes actions based on their “Risk-Spend Efficiency.” The approach uses a tool called Multi-Attribute Value Function (MAVF) that provides a single value to measure the combined effects of each mitigation measure on a certain risk event. The process involves performing risk assessments and ranking risks using safety, reliability, and other attributes. **This approach provides a means to compare the programs against each other for effectiveness**, especially when multiple overlapping programs are proposed for the same assets and intended to mitigate the same risk event (i.e., increased vegetation clearing coupled with installing covered conductor and expanded de-energization practices).

Including such analysis in the WMPs would provide the Commission a transparent and effective way to balance overlapping programs in the WMP and assess which programs are needed and effective. As stated above, the statute requires “all relevant wildfire risk and risk mitigation information that is part of the Safety Model Assessment Proceeding and Risk Assessment Mitigation Phase filings.” **This quantitative information is relevant, and the process of conducting these analyses may allow stakeholders to better understand the cost effectiveness of proposed mitigations.**²⁰

The Commission thus acknowledged that when the Legislature enacted Senate Bill 901, which amended the wildfire risk mitigation statutory scheme, it expressly required the electric utilities “to include all relevant wildfire risk and risk mitigation information” required by the S-MAP and RAMP decisions.²¹ Other than their numbering, AB 1054 did not change the requirement that WMPs adhere to the Commission’s S-MAP and RAMP decisions.²²

Future filings should provide documentation of the risk analysis used to justify the proposals. A “trust us, we know what we are doing” approach to risk assessment is not appropriate given recent wildfire activity.”).

²⁰ D.19-05-036, p. 28-29 (footnotes citing to SB 901 and D.18-12-014 requirements and containing the “black box” quote omitted) (emphasis added).

²¹ D.19-05-036, Appendix A, p. A2.

²² Pub. Util. Code, § 8386, subd. (c) (11), (12), (17).

SDG&E has never performed satisfactorily the Commission's cost-effectiveness analysis requirements.²³ In addition to the conclusions in D.19-05-036, the Commission ordered SDG&E to do better both in its Test Year 2019 General Rate Case proceeding and in the Commission's decision on SDG&E's 2019 WMP.²⁴ In its decision on SDG&E's 2019 WMP, the Commission emphasized the requirement that WMPs must include an evaluation of effectiveness not only in the risk assessment context, but also in the context of the required metrics that must be included in every WMP.²⁵ The Commission explained that "[m]etrics are not intended to support the Commission's ability to determine whether the utility is in compliance with the WMP, but rather to inform the Commission on whether the programs proposed in the WMP are effective at minimizing the risk of catastrophic wildfire from electrical lines and equipment."²⁶ In other words, metrics that measure effectiveness are statutorily-required elements of all WMPs.

The Commission also identified a number of related but additional deficiencies with respect to SDG&E's WMP, including SDG&E's inspection programs, the lack of a scientific basis for its hardening, vegetation management, and de-energization practices.²⁷

²³ D.19-09-051, *Decision Addressing the Test Year 2019 General Rate Cases of San Diego Gas & Electric Company and Southern California Gas Company* (September 26, 2019), p. 22 ("Since Applicants designate both the risk and mitigation activities as RAMP-related, and re-evaluated using a risk-based approach and framework, the general result is witness testimony that states that numerous activities are in fact mitigation of key risks, often leading to a higher forecast."); D.19-05-036, p. 29, fn. 42 ("...that risk assessment is often a black box with insufficient description of the supporting information and rationale for proposed programs...").

²⁴ D.19-09-051, p. 762 ("We expect RAMP integration in future GRC filings to provide better information on what spending is proposed to mitigate risks and how past spending has reduced risk per dollar spent."); D.19-05-039, p. 23-24.

²⁵ D.19-05-039, p. 3 ("We also impose reporting, metrics and related requirements on SDG&E to ensure it gathers appropriate data on the effectiveness of its mitigation, and shares the data..."); Pub. Util. Code, § 8386, subd. (c) (4), (5), (21)(C).

²⁶ D.19-05-039, p. 21; *see also id.* at 26 (Finding of Fact 8) ("It is more impactful for SDG&E to develop, monitor, and report on metrics that are not focused on inputs but rather outcomes, measuring the effectiveness by which the mitigation implemented reduces the risk of its electrical lines and equipment causing a catastrophic wildfire.").

²⁷ D.19-05-039, p. 3-4 (Concluding that SDG&E has been misinterpreting General Order 165, which requires that "[l]ines shall be inspected frequently and thoroughly for the purpose of ensuring they are in

In D.19-05-036, to address the Commission’s inability to evaluate the effectiveness of the 2019 WMPs, the Commission directed the utilities to file additional reports, submit advice letters, collect data, participate in additional workshops, and initiated a second phase of the proceeding.²⁸ These requirements were intended to assist with review of the 2020 WMPs and “to help evaluate the effectiveness of the mitigation measures in [the 2019] WMPs.”²⁹

One of the requirements that would help evaluate the effectiveness of the measures in the 2019 WMPs was the mandate that the utilities “file two Tier 3 Advice Letters entitled ‘Reports on Possible Off Ramps,’ describing any concerns about the effectiveness of any program in their individual” WMPs.³⁰ After determining that “[i]t is essential that there be a process for modifying, reducing, increasing, or ending mitigation measures that are not working, or otherwise require modification,” the Commission ordered that the utilities’ advice letters “shall clearly describe the concern, contain a specific proposal for action, including if applicable a recommendation to modify, reduce, increase, or end the specific mitigation identified, and include any expert or other authoritative information available on the efficacy of the mitigation.”³¹

good condition so as to conform with these rules.”); p. 7 (requiring SDG&E to “base its decision for pole replacements on reasonable criteria and consider ingress and egress as part of the decision”); p. 10 (requiring SDG&E to ensure its vegetation management practices are “supported by scientific evidence or other data showing that such clearance will reduce risk under wildfire conditions”); p. 12 (requiring SDG&E to consider “renewables potentially coupled with storage” for backup generation; and that “[i]f SDG&E does move forward with a Generator Grant Program, it must make a showing to the Commission that it ensures that the Generator Grant Program will not create additional significant risk for fire threat.”).

²⁸ D.19-05-036, p. 40-41 (requiring Advice Letters describing concerns about the effectiveness of WMPs); *id.* at 41 (requiring data collection reports); *id.* at 42-43 (requiring additional workshops); R.18-10-007, Assigned Commissioner’s Scoping Memo and Ruling for Phase 2 (September 18, 2019).

²⁹ D.19-05-036, p. 40 (Conclusion of Law 5: “The Commission should require additional reporting and activity to assist with the WMP process next year, and to help evaluate the effectiveness of the mitigation measures in this year’s WMPs.”)

³⁰ D.19-05-036, p. 40 (OP 1).

³¹ D.19-05-036, p. 29-30, p. 40-41 (OP 1).

Notwithstanding the numerous deficiencies the Commission expressly called out in D.19-05-036 and D.19-05-039, in its Report on Possible Off-Ramps Advice Letter SDG&E brashly claimed that it “does not have any specific concerns about the effectiveness of any program in its 2019 WMP.”³² SDG&E’s failure to address the Commission’s prior directives persists as particularly egregious because SDG&E’s 2019 WMP was the only 2019 WMP that was neither approved nor conditionally approved by the Commission. That the Commission did not approve SDG&E’s 2019 WMP when it approved the other the utilities’ WMPs is apparent from the plain language of the Commission’s decisions on each of the utilities’ 2019 WMPs:

The Horizon West Transmission, LLC Wildfire Mitigation Plan is approved.³³

The Trans Bay Cable LLC Wildfire Mitigation Plan is approved.³⁴

Subject to the reporting, metrics, data and advice letter requirements set forth below, PG&E’s Wildfire Mitigation Plan is approved.³⁵

Subject to the reporting, metrics, data and advice letter requirements set forth below, SCE’s WMP is approved.³⁶

Subject to the reporting, data gathering, and other requirements set forth below and in the guidance decision on 2019 Wildfire Mitigation Plans issued concurrently with this decision, Liberty Utilities’ Wildfire Mitigation Plan is approved.³⁷

Subject to the reporting, data gathering, and other requirements set forth below and in the guidance decision on 2019 Wildfire Mitigation Plans issued concurrently with this decision, Bear Valley Electric Service’s Wildfire Mitigation Plan is approved.³⁸

Subject to the reporting, data gathering, and other requirements set forth below and in the guidance decision on 2019 Wildfire Mitigation Plans issued concurrently with this decision, PacifiCorp’s Wildfire Mitigation Plan is approved.³⁹

³² SDG&E Advice Letter 3472-E, p. 2.

³³ D.19-05-041, p. 6 (OP 1).

³⁴ D.19-05-041, p. 58 (OP 2).

³⁵ D.19-05-037, p. 58 (OP 1).

³⁶ D.19-05-038, p. 51 (OP 1).

³⁷ D.19-05-040, p. 82 (OP 1).

³⁸ D.19-05-040, p. 84 (OP 14).

³⁹ D.19-05-040, p. 87 (OP 28).

The SDG&E WMP Decision does not contain an ordering paragraph expressly either approving or conditionally approving its 2019 WMP because the Commission never approved SDG&E's 2019 WMP.⁴⁰ To the contrary, D.19-05-039 states: "Nothing in this decision relieves San Diego Gas & Electric of the requirement to conform all of the activities described in its Wildfire Mitigation Plan to existing law, regulation and Commission General Orders."⁴¹

POC protested SDG&E's Report on Possible Off-Ramps Advice Letter 3472-E because, despite the number of deficiencies identified by the Commission (which includes SDG&E's failure to provide sufficient information for the Commission to evaluate effectiveness), and the fact that the Commission declined to even conditionally approve SDG&E's 2019 WMP -- SDG&E failed to describe a single concern about the effectiveness of its purported wildfire mitigation activities proposed in its 2019 WMP.

PG&E took a similar approach, and the Public Advocates Office (Public Advocates) protested PG&E's Report on Possible Off-Ramps Advice Letter.⁴²

The Decision appropriately finds that "PG&E's Advice Letter does not list any programs requiring 'Off-Ramp' treatment," that "SDG&E's Advice Letter neither states any specific concern nor proposes any modification to any WMP programs," and that "D.19-05-036...included an Off-Ramp provision to allow the IOUs...to decrease wildfire mitigation measures that were not effective and increase the scope of effective work."⁴³

⁴⁰ D.19-05-039, p. 29.

⁴¹ D.19-05-036, p. 31 (OP 15).

⁴² D.20-03-004, p. 27; R.18-10-007, The Protect Our Communities Foundation Reply Comments on Proposed Decision on Community Awareness and Public Outreach Before, During, and After a Wildfire, and Explaining Next Steps for Other Phase 2 Issues (March 2, 2020), p. 1-3; R.18-10-007, Comments of the Public Advocates Office On the Proposed Decision on Community Awareness and Public Outreach Before, During, and After a Wildfire (February 25, 2020) p. 1-5.

⁴³ D.20-03-004, p. 36-37 (Findings of Fact 5, 7; Conclusion of Law 4).

However, the Decision then contradicts itself by granting PG&E's and SDG&E's advice letters instead of denying them.⁴⁴ The Decision grants the advice letters on the legally erroneous grounds that the "process for determining effectiveness of a wildfire mitigation measure is separate from the Off-Ramp Advice Letter process"⁴⁵ and will occur at the independent evaluation phase of the wildfire mitigation process established by the Legislature.⁴⁶

The Decision also omits reference to POC when purporting to list the parties who filed opening comments⁴⁷ and does not accurately describe the parties' comments regarding the advice letters.⁴⁸ Thus, granting the advice letters was an abuse of discretion and the Commission's findings granting the advice letters are not supported by substantial evidence in light of the whole record.

Additionally, the Decision overstates the impact of WSD-001 on this proceeding and on the statutorily-required wildfire mitigation process, describing WSD-001 in a manner that is inconsistent with statutory requirements as well as the language of WSD-001 itself.⁴⁹

⁴⁴ D.20-03-004, p. 36 (Conclusion of Law 6), p. 43 (OP 23).

⁴⁵ D.20-03-004, p. 37 (Conclusion of Law 4); *see also* D.20-03-004, p. 43 (OP 24) ("This decision makes no determination on the effectiveness of wildfire mitigation measures addressed or proposed in the Advice Letters filed by Pacific Gas & Electric Company, Southern California Edison Company, San Diego Gas & Electric Company, Bear Valley Electric Service, Liberty Utilities, and PacificCorp."), p. 28-30 ("While the Commission may disagree with an IOU's or SMJU's determination in its Off-Ramp Advice Letter of whether a mitigation measure is effective, the Commission's process for determining effectiveness is separate from the Off-Ramp Advice Letter process. As noted earlier in this decision, Wildfire Safety Division will oversee the independent evaluation of WMPs, and metrics for determining WMPs' effectiveness will be applied at that time. Therefore, the Advice Letter has no bearing on whether the Commission or other parties believe any of PG&E's wildfire mitigation is effective. ... For the same reason as we grant PG&E's Off-Ramp Advice Letter, we grant SDG&E's Advice Letter. Such grant means simply that SDG&E has complied with the requirement that it identify mitigation measures about which SDG&E has concerns. This decision has no bearing on whether the Commission or parties may have concerns about the effectiveness of SDG&E's wildfire mitigation efforts.").

⁴⁶ D.20-03-004, p. 28-29.

⁴⁷ D.20-03-004, p. 33.

⁴⁸ D.20-03-004, p. 34 (*Off-Ramp Advice Letters*. Public Advocates Office repeats its argument that off-ramps must cover all programs that third parties believe have problems.").

⁴⁹ D.20-03-004, p. 8 ("The parties gave input into how the Commission should process WMPs commencing in 2020, and Resolution WSD-001 resolved those issues.").

IV. THE DECISION SHOULD BE CORRECTED TO REFLECT THE RECORD BY REFERENCING POC’S OPENING COMMENTS AND ACCURATELY PORTRAYING PARTY COMMENTS DETAILING THE INSUFFICIENCY OF THE UTILITIES’ ADVICE LETTERS.

As a threshold matter, the Decision neglects to mention that POC filed opening comments in its recitation of the opening comments filed by parties.⁵⁰ The Decision recognizes that POC filed reply comments, but its failure to list POC as one of the parties filing opening comments reveals POC’s opening comments were not considered. The Decision’s failure to include POC in the list of parties who filed opening comments – or to consider the content of all of the comments that were properly filed – constitutes legal error.

More importantly, although the Decision appropriately lists POC as one of the parties who filed reply comments, the Decision fails to substantively address either POC’s opening comments or reply comments. Instead, the entirety of the discussion in the Decision regarding comments on the advice letter refers to only an inaccurate characterization of the Public Advocates’ opening comments.⁵¹ Both the Public Advocates and POC – in different contexts - explained that the Report on Possible Off Ramps requirement was not intended to be a meaningless exercise and that known concerns should be addressed. In their respective opening comments, the Public Advocates and POC provided distinct examples of the kinds of minimal information that the utilities should have included in their advice letters.

⁵⁰ D.20-03-004, p. 33 (“Comments were filed on February 25, 2020 by CEJA, PG&E, SCE, SDG&E, PacifiCorp and reply comments were filed on March 2, 2020 by CEJA, PG&E, SCE, SDG&E, Bear Valley, TURN, Public Advocates Office, POC and SBUA. We address the comments as noted below and reject other suggested changes.”).

⁵¹ D.20-03-004, p. 34. POC notes that the Decision misdescribes the Public Advocates as having filed only reply comments, when in fact the Public Advocates filed only opening comments. D.20-03-004, p. 33; *compare* R.18-10-007, Comments of the Public Advocates Office On the Proposed Decision on Community Awareness and Public Outreach Before, During, and After a Wildfire (February 25, 2020).

The Public Advocates, whose opening comments were made in the context of the Public Advocates' protest to PG&E's advice letter, gave the example that PG&E should have at least included in its Off-Ramp Report the concerns of the "independent, court-appointed Federal Monitor (overseeing PG&E's federal criminal probation)" which were acknowledged by PG&E in a federal court filing.⁵² In POC's opening comments, which were made in the context of POC's protest to SDG&E's advice letter, POC commented and gave examples of SDG&E's failure to include the explicit concerns the Commission directed SDG&E to address in D.19-05-036, and also gave examples of feasible alternatives and best practices described by the parties in this proceeding.⁵³

In POC's reply comments, POC both supported and expanded upon the Public Advocates' protest to PG&E's advice letter:

The Commission did not intend for the Reports on Possible Off Ramps to be a just-trust-the-utilities exercise.[] As Public Advocates correctly points out, the Guidance Decision required the utilities to "describe any concerns" and to "include any expert or other authoritative information available on the efficacy of the mitigation."[] Public Advocates provides concerns documented by the independent court-appointed Federal Monitor overseeing PG&E's federal criminal probation as an example of concerns and authoritative information that must be included in the Reports on Possible Off Ramps.[] POC submits that the numerous concerns the Commission identified in the Guidance Decision and in the utility specific decisions - the deficiencies which gave rise to the reporting and other requirements in the first instance[] - also constitute concerns and authoritative information that must be included in the utilities' reports.

The Commission is obliged to require the utilities to adhere to the Commission's own directives,[] and it directed the utilities to make Reports on Possible Off Ramps for good reason. The Commission found that the reporting and other requirements were necessary "to help evaluate the effectiveness of the mitigation measures" in the 2019 WMPs[] in order to meet the statutory mandate "to ensure that Wildfire Mitigation Plans actually reduce the risk and occurrence of wildfire"[] and "to ensure the electrical corporations are targeting the greatest

⁵² R.18-10-007, Comments of the Public Advocates Office On the Proposed Decision on Community Awareness and Public Outreach Before, During, and After a Wildfire (February 25, 2020), p. 3-4

⁵³ R.18-10-007, The Protect Our Communities Foundation Comments on Proposed Decision on Community Awareness and Public Outreach Before, During, and After a Wildfire, and Explaining Next Steps for Other Phase 2 Issues (February 25, 2020), p. 12-15.

risk with effective programs.”[] As the California Court of Appeal held last week, a measure that is not at least partially effective cannot be considered a mitigation measure in the first instance.[]

POC further submits that the substantial concerns raised by the parties to this proceeding, and the best practices utilized by other parties, should also be included in the utilities’ reports.[] The parties have submitted numerous specific concerns and issues which all remain unaddressed by the utilities.[] None of the utilities’ Reports on Possible Off Ramps include any mention of other parties’ specific and substantive concerns, much less an attempt to address or answer those concerns with “expert or other authoritative information available.”[]

Like SDG&E, PG&E is required to describe “any concerns about the effectiveness”[] of the programs in its 2019 WMP – which necessarily includes the deficiencies identified by the Commission in the Guidance Decision and in the PG&E specific decision[]and should also include other concerns identified by the parties to this proceeding. Allowing the utilities to claim ignorance about publicly-known and raised concerns contradicts both the Commission’s regulatory authority and the order and intent of the Guidance Decision.⁵⁴

Instead of describing the gravamen of POC’s comments regarding the inadequacies of the advice letters, or referencing the various examples set forth in either POC’s or the Public Advocates’ respective opening comments, the Decision fails to include both POC in the list of parties who filed opening comments⁵⁵ and cursorily describes the parties’ comments on the Off Ramp reports only as follows: “Public Advocates Office repeats its argument that off-ramps must cover all programs that third parties believe have problems.”⁵⁶ The Decision fails to reference, much less to analyze or address, POC’s comments that the concerns explicitly identified by the Commission, as well as concerns of the parties to this proceeding and the best practices of other utilities, should be among the concerns addressed by the utilities in their Reports on Possible Off Ramps advice letters.

⁵⁴ R.18-10-007, The Protect Our Communities Foundation Reply Comments on Proposed Decision on Community Awareness and Public Outreach Before, During, and After a Wildfire, and Explaining Next Steps for Other Phase 2 Issues (March 2, 2020), p. 2-3 (footnotes omitted).

⁵⁵ D.20-03-004, p. 33.

⁵⁶ D.20-03-004, p. 34 (“*Off-Ramp Advice Letters*. Public Advocates Office repeats its argument that off-ramps must cover all programs that third parties believe have problems.”).

Nor does the Decision accurately characterize the Public Advocate's comments which made the point that PG&E should at least have included "what PG&E actually knew and reported as a concern."⁵⁷ As a result, the Commission's finding granting SDG&E's and PG&E's advice letters is not supported by substantial evidence in light of the whole record and constitutes both an abuse of discretion and a failure to proceed in the manner required by Rule 14.3 which expressly allows for *all* parties to provide opening and reply comments on proposed decisions.⁵⁸

V. THE COMMISSION FAILED TO PROCEED IN THE MANNER REQUIRED BY LAW BECAUSE EFFECTIVE RISK REDUCTION CONSTITUTES A CONDITION PRECEDENT TO WMP APPROVAL AND AN EFFECTIVENESS ANALYSIS CANNOT BE DEFERRED UNTIL THE POST-APPROVAL INDEPENDENT EVALUATION PHASE.

In requiring the utilities to "minimize the risk of catastrophic wildfire posed by" the utilities' electrical lines and equipment,⁵⁹ Section 8386 mandates that each utility include effective wildfire risk reduction measures in their WMPs.⁶⁰ Section 8386 also requires the Wildfire Safety Division and the Commission to review each WMP and verify whether the utilities have complied with the statutory mandate to include wildfire risk reduction measures that will effectively reduce wildfire risk.⁶¹ As the Commission has explained, effectively mitigating catastrophic wildfires is the statutory mandate,⁶² and every aspect of the utilities' WMPs must be analyzed to "minimize the risk of catastrophic wildfire."⁶³

⁵⁷ R.18-10-007, Comments of the Public Advocates Office On the Proposed Decision on Community Awareness and Public Outreach Before, During, and After a Wildfire (February 25, 2020), p. 3.

⁵⁸ D.20-03-004, p. 36 (Finding of Fact 6); Pub. Util. Code, § 1757, subd. (a)(4), (5); Rule 14.3; *see also* Cal. Code Regs., tit. 20, § 14.3 (expressly authorizing parties to file comments on proposed decisions and replies to comments on proposed decisions).

⁵⁹ Pub. Util. Code, § 8386, subd. (c).

⁶⁰ Pub. Util. Code, § 8386, subd. (a), (b), (d).

⁶¹ Pub. Util. Code, § 8386, subd. (a).

⁶² D.19-05-036, p. 3-4, 26.

⁶³ D.19-05-039, p. 22.

Section 8386 also requires each WMP to include particular elements that specifically require effectiveness analyses. As mentioned above, the Commission interpreted Section 8386(c)'s inclusion of "the Commission's safety-oriented processes...to reflect a desire to ensure the safety work in GRCs is incorporated into WMPs."⁶⁴ The utilities' WMPs are thus statutorily required to demonstrate compliance with D.14-12-025, D.16-08-018, and D.18-12-014, which each require a cost-effectiveness analysis in order to properly assess risk and prioritize risk reduction measures.⁶⁵

Additional specific mandates in Section 8386(c) which require effectiveness analyses involve the requirements that effective metrics be included in each utility's WMP.⁶⁶ As the Commission has explained, "[m]etrics are not intended to support the Commission's ability to determine whether the utility is in compliance with the WMP, but rather to inform the Commission on whether the programs proposed in the WMP are effective at minimizing the risk of catastrophic wildfire from electrical lines and equipment."⁶⁷

⁶⁴ D.19-05-036, p. 28.

⁶⁵ D.19-05-036, p. 28-29 (explaining that the approach in D.18-12-014 "provides a means to compare the programs against each other for effectiveness," and including the analysis required by D.18-12-014 "in the WMPs would provide the Commission a transparent and effective way to balance overlapping programs in the WMP and assess which programs are needed and effective. As stated above, the statute requires 'all relevant wildfire risk and risk mitigation information that is part of the Safety Model Assessment Proceeding and Risk Assessment Mitigation Phase filings.' This quantitative information is relevant, and the process of conducting these analyses may allow stakeholders to better understand the cost effectiveness of proposed mitigations"); D.16-08-018, *Interim Decision Adopting Multi-Attribute Approach (Or Utility Equivalent Features) and Directing Utilities to Take Steps Toward a More Uniform Risk Management Framework* (August 18, 2016), p. 187 (Finding of Fact 81) ("Calculating risk reduction per dollar is required by D.14-12-025 and is necessary information for balancing safety with reasonable rates and holding utilities accountable for safety spending."); D.16-08-018, p. 187 (Finding of Fact 82) ("Prioritizing based on cost-effectiveness measures is an important improvement to rate cases and an important step to optimizing portfolios.").

⁶⁶ Pub. Util. Code, § 8386, subd. (c) (4), (5), (21)(C).

⁶⁷ D.19-05-039, p. 21; D.19-05-039, p. 26 (Finding of Fact 8) ("It is more impactful for SDG&E to develop, monitor, and report on metrics that are not focused on inputs but rather outcomes, measuring the effectiveness by which the mitigation implemented reduces the risk of its electrical lines and equipment causing a catastrophic wildfire.").

Metrics that measure effectiveness are thus necessary components of WMPs which the Wildfire Safety Division and the Commission must verify before approving any WMP. Absent metrics that measure effectiveness and compliance with the Commission's minimum risk assessment elements, proper risk prioritization of wildfire risk reduction activities cannot be accomplished and the Commission cannot fulfill its statutory mandates to ensure effective WMPs are implemented.

Despite the statutory risk reduction mandate and the specific effectiveness requirements required by Section 8386, the Decision erroneously concludes that the effectiveness of the utilities' wildfire risk reduction activities can be deferred until the independent evaluation phase of the WMP statutory process.⁶⁸ In fact, the independent evaluation mandated by statute necessarily occurs only after the Commission's approval of a WMP and after that WMP's implementation.⁶⁹ Section 8386.3 expressly states that the independent evaluation phase of WMP processing occurs "[f]ollowing approval of a wildfire mitigation plan," and after the utility "files with the division a report addressing its compliance with the plan during the prior calendar year."⁷⁰ As the statutory language makes clear, the independent evaluator reviews and assesses the utilities' compliance with their respective WMPs – that is, after the approved WMPs are implemented; the independent evaluators play no role in ascertaining whether more effective, less expensive measures exist that should have been proposed and implemented.⁷¹

⁶⁸ D.20-03-004, p. 28-29; *see also* D.20-03-004, p. 37 (Conclusion of Law 8).

⁶⁹ Pub. Util. Code, § 8386.3, subd. (c).

⁷⁰ Pub. Util. Code, § 8386.3, subd. (c)(1).

⁷¹ Pub. Util. Code, § 8386.3, subd. (c)(1) ("**Following approval of a wildfire mitigation plan**, the Wildfire Safety Division shall oversee compliance with the plan consistent with the following: (1) Three months after the end of an electrical corporation's initial compliance period as established by the Wildfire Safety Division pursuant to subdivision (b) of Section 8386, and annually thereafter, each electrical corporation shall file with the division a report addressing its compliance with the plan during the prior calendar year. (2) (A) Before March 1, 2021, and before each March 1 thereafter, the Wildfire Safety Division, in consultation with the Department of Forestry and Fire Protection, shall make available a list

In other words, the independent evaluation occurs only when – and only if – the Wildfire Safety Division and the Commission have first approved a utility’s WMP; only then does the independent evaluator assess whether the utilities have complied with their approved plans. The statute does not envision, much less expect or allow for, any role for the independent evaluator in reviewing or assessing whether any utility’s WMP complies with the detailed requirements contained in the wildfire mitigation statutes. The statutes do, however, explicitly require that the Wildfire Safety Division and ultimately the Commission verify that each utility’s WMP contains all of the specific requirements detailed in the statute before approving any WMP.⁷²

Thus, pursuant to the statutory scheme designed by the Legislature, no independent evaluator has any opportunity to determine whether the utilities should have included more cost-effective mitigation measures in their respective WMPs. That job remains solely with the Wildfire Safety Division and ultimately the Commission and must occur *before* WMP approval.

Although the Decision acknowledges the Wildfire Safety Division must “process, review, and independently evaluate WMPs,”⁷³ it neglects to acknowledge the Wildfire Safety Division and the Commission must also “verify that the plan complies with all applicable rules, regulations, and standards, as appropriate” prior to approval of the plan.⁷⁴ The Decision then also fails to reflect that, according to the statutes, review and verification occurs prior to approval, whereas the independent evaluation occurs after.⁷⁵

of qualified independent evaluators with experience in assessing the safe operation of electrical infrastructure. (B) (i) **Each electrical corporation shall engage an independent evaluator listed pursuant to subparagraph (A) to review and assess the electrical corporation’s compliance with its plan.** The engaged independent evaluator shall consult with, and operate under the direction of, the Wildfire Safety Division of the commission...” (emphasis added).

⁷² Pub. Util. Code, § 8386, subd. (c).

⁷³ D.20-03-004, p. 36 (Conclusion of Law 1).

⁷⁴ Pub. Util. Code, § 8386, subd. (d).

⁷⁵ *Ibid.*; Pub. Util. Code, § 8386.3, subd. (c).

As a result, contrary to the mandates in Section 8386 and 8386.3, the Decision impermissibly abdicates the Commission's duty to ensure the effectiveness of the utilities' WMPs prior to - and as a condition of - WMP approval.⁷⁶ POC requests that the Decision be corrected to prevent the Decision's conflation of the review mandate which occurs prior to approval with the independent evaluation mandate which occurs after approval; and the Decision's neglect of the verification mandate entirely must be corrected as well. The effective risk reduction mandate in Section 8386(a), the review requirement in Section 8386(b), the required elements for inclusion in WMPs (which requires an effectiveness analysis both in the context of risk reduction and metrics) in Section 8386(c), the verification requirement in Section 8386(d); the "approve or deny" requirement in Section 8386.3(a), and the independent evaluator requirement in Section 8386.3(c) each comprise distinct mandates that are designated to occur at various phases of the process. California law requires that the Wildfire Safety Division oversee compliance with each of these distinct mandates.⁷⁷

The statutory wildfire risk reduction mandate found in Section 8386(a) has not changed since SB 1028, the legislation that initially mandated WMPs and which first required that "[e]ach electrical corporation shall construct, maintain, and operate its electrical lines and equipment in a manner that will minimize the risk of catastrophic wildfire posed by those electrical lines and equipment."⁷⁸

⁷⁶ I.19-06-014, Order Instituting Investigation on the Commission's Own Motion to Determine Whether Southern California Gas Company's and Sempra Energy's Organizational Culture and Governance Prioritize Safety (U904G) (June 27, 2019), p. 7-8 ("The Commission, invested by the California Constitution and the Public Utilities Code with police power to regulate public utilities...must actively, not passively, supervise and regulate public utilities.").

⁷⁷ Pub. Util. Code, § 326, subd. (a)(1) ("...The Wildfire Safety Division shall do all of the following: (1) Oversee and enforce electrical corporations' compliance with wildfire safety pursuant to Chapter 6 (commencing with Section 8385) of Division 4.1.").

⁷⁸ Sen. Bill No. 1028 (2015-2016 Reg. Sess.) § 1.

SB 901, which was enacted “to reduce the risk of these wildfires by expanding the requirements” of then existing wildfire mitigation efforts by imposing “additional requirements as part of the electric utility’s annual wildfire mitigation plans,”⁷⁹ kept SB 1028’s wildfire risk reduction mandate intact.⁸⁰ Among other things, SB 901 included nineteen items on the list of the items to be included in WMPs, added a verification requirement,⁸¹ and replaced SB 1028’s audit requirement with the post-approval independent evaluation process.⁸²

AB 1054 was intended to “create additional safety oversight”⁸³ and left intact the statutory risk reduction mandate from SB 1028 and SB 901. AB 1054 amended SB 901 by requiring establishment of the Wildfire Safety Division⁸⁴ and by designating the Wildfire Safety Division to act as the initial body to verify the inclusion of the specific Plan items as designated by Section 8386(d), but did not otherwise change SB 901’s requirement that each WMP be verified by the Commission.⁸⁵ Similarly, AB 1054 moved the independent evaluation requirement from Section 8386 to Section 8386.3,⁸⁶ but did not modify the structure of the independent evaluation as a separate and distinct statutory process from the review, content, verification, and approve or deny requirements contained in SB 901.

⁷⁹ Sen. Floor Analysis of Sen. Bill No. 901 (2017-2018 Reg. Sess.) August 31, 2018, p. 13.

⁸⁰ Sen. Bill No. 901 (2017-2018 Reg. Sess.) § 38 (“(d) The commission shall accept comments on each plan from the public, other local and state agencies, and interested parties, and verify that the plan complies with all applicable rules, regulations, and standards, as appropriate.”) (emphasis added).

⁸¹ Sen. Bill No. 901 (2017-2018 Reg. Sess.) § 38, emphasis added; *see also* D.19-05-036, p. 13.

⁸² Sen. Bill No. 901 (2017-2018 Reg. Sess.) § 38 (Section 8386, subd. (h)).

⁸³ Assem. Floor Analysis of Assem. Bill No. 1054 (2019-2020 Reg. Sess.) July 11, 2019, p. 1.

⁸⁴ Pub. Util. Code, § 326, subd. (a) (“By January 1, 2020, the commission shall establish the Wildfire Safety Division within the commission...”).

⁸⁵ Assem. Bill No. 1054 (2019-2020 Reg. Sess.), § 17 (“...The Wildfire Safety Division shall accept comments on each plan from the public, other local and state agencies, and interested parties, and verify that the plan complies with all applicable rules, regulations, and standards, as appropriate.”).

⁸⁶ Pub. Util. Code, § 8386.3, subd. (b).

Thus, a plain reading of the statutory scheme, as well as the legislative history, reveals that the independent evaluator exists to function as a check on the utilities' compliance with WMPs that have already been reviewed, verified, and approved by the Wildfire Safety Division and the Commission.⁸⁷ Declining to consider effectiveness until after the fact, as the Decision envisions, would render the statutory risk reduction mandate, the review, content, verification, and approve or deny requirements⁸⁸ essentially meaningless. By failing to acknowledge the verification requirement, and by conflating the pre-approval review process with the post-approval independent evaluator process, the Commission fails to proceed in the manner required by law and this application for rehearing should be granted to correct these legal errors.

VI. THE DECISION ERRS IN CONCLUDING THAT RESOLUTION WSD-001 RESOLVED ALL ISSUES RAISED BY THE PARTIES BECAUSE THE ISSUES NOT ADDRESSED IN WSD-001 REMAIN IN SCOPE IN THIS PROCEEDING.

The Decision erroneously states that Resolution WSD-001 resolved all the issues raised by the parties regarding “how the Commission should process WMPs commencing in 2020.”⁸⁹ In fact, WSD-001 “specifies the schedule for the electrical corporations’ submittal of their WMPs, how the electrical corporations shall submit and serve the WMPs, how the public shall submit and serve comments on the WMPs, and how the Division’s action on the WMPs shall be presented to the Commission for ratification;”⁹⁰ and, in response to the parties’ comments on the draft resolution, WSD-001 clarified that “R.18-10-007 remains open to address outstanding issues not addressed in this resolution.”⁹¹

⁸⁷ Pub. Util. Code, § 8386, subd. (c).

⁸⁸ Pub. Util. Code, § 8386, subd. (a), (c), (d); Pub. Util. Code, § 8386.3, subd. (a).

⁸⁹ D.20-03-004, p. 8 (“*Process for handling future WMPs*: The parties gave input into how the Commission should process WMPs commencing in 2020, and Resolution WSD-001 resolved those issues. We expect that WSD will adopt additional processes going forward, with appropriate transparency to stakeholders and the general public.”).

⁹⁰ Resolution WSD-001, p. 2.

⁹¹ Resolution WSD-001, p. 6.

Outstanding issues not addressed in WSD-001 include the process by which the Wildfire Safety Division or the Commission will “verify that the plan complies with all applicable rules, regulations, and standards, as appropriate,”⁹² and POC’s motion for evidentiary hearings which POC timely filed on November 6, 2019 and which remains pending in this proceeding.⁹³

POC’s motion for evidentiary hearings best allows the Commission to comply with due process principles⁹⁴ and comports with the legislative history of SB 901, which acknowledges that public safety requirements are typically implemented after a hearing: “Existing law authorizes the PUC, after a hearing, to require every public utility to construct, maintain, and operate its line, plant, system, equipment, apparatus, tracks, and premises in a manner so as to promote and safeguard the health and safety of its employees, passengers, customers, and the public...”⁹⁵ Evidentiary hearings will also allow the Wildfire Safety Division to evaluate whether the utilities’ proposed activities are effective at all, whether they are cost-effective, and the cost-effectiveness and efficacy of alternatives.⁹⁶

Regardless of whether the Commission ultimately determines to grant POC’s motion for evidentiary hearings, this rehearing application should be granted to correct the erroneous characterization in the Decision that WSD-001 resolved all outstanding issues raised by the parties in comments on WSD-001. Issues addressed by the parties but not in WSD-001 remain before the Commission in this proceeding as a matter of law and as a matter of fact.

⁹² Pub. Util. Code, § 8386, subd. (d); Pub. Util. Code, § 8386.3, subd. (a).

⁹³ R.18-10-007, Motion for Evidentiary Hearings by The Protect Our Communities Foundation (November 6, 2019); R.18-10-007, Phase 2 Scoping Memo, p. 4, as modified by E-Mail Ruling Granting Abrams Motion for Extension (October 25, 2019), p. 6, 8.

⁹⁴ See *Manufactured Home Communities, Inc. v. City of San Louis Obispo* (2008) 167 Cal.App.4th 705, 711. (“...in ‘almost every setting where important decisions turn on questions of fact, due process requires an opportunity to confront and cross-examine adverse witnesses’”).

⁹⁵ Legis. Counsel’s Dig., Sen. Bill No. 901 (2017-2018 Reg. Sess.), p. 8. SB 901’s legislative history reveals that Section 768 is the “existing law” referenced. Sen. Floor Analysis of Sen. Bill No. 901 (2017-2018 Reg. Sess.) August 31, 2018, p. 4.

⁹⁶ *City and County of San Francisco v. Public Utilities Com.* (1971) 6 Cal.3d 119, 130 (holding that “failure to consider lawful alternatives” is error).

VII. CONCLUSION

POC requests that its application for rehearing be granted. The Commission identified concerns with respect to the effectiveness of the utilities' 2019 WMPs, and SDG&E and PG&E blatantly ignored the Commission's concerns – among others – in their respective Report on Possible Off Ramps Advice Letters. The Commission should also consider the crux of the parties' comments on the issue of the advice letters, correctly identify the parties who filed opening comments, and ultimately deny the advice letters. The Commission should also correct its conclusions regarding the appropriate time to engage in an effectiveness analysis, and regarding the effect of Resolution WSD-001, so as to render the Decision consistent with the wildfire mitigation statutes, WSD-001, and the Commission's past decisions.

Respectfully submitted,

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