

**FILED**11/13/20
03:50 PM

PUBLIC UTILITIES COMMISSION505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3298

November 13, 2020

Agenda ID #18987
Quasi-Legislative

TO PARTIES OF RECORD IN RULEMAKING 15-05-006

This is the proposed decision of Commissioner Marybel Batjer. Until and unless the Commission hears the item and votes to approve it, the proposed decision has no legal effect. This item may be heard, at the earliest, at the Commission's December 17, 2020 Business Meeting. To confirm when the item will be heard, please see the Business Meeting agenda, which is posted on the Commission's website 10 days before each Business Meeting.

Parties of record may file comments on the proposed decision as provided in Rule 14.3 of the Commission's Rules of Practice and Procedure.

/s/ ANNE E. SIMONAnne E. Simon
Chief Administrative Law Judge

AES:avs

Attachment

Decision **PROPOSED DECISION OF COMMISSIONER BATJER**
(Mailed 11/13/2020)

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

**DECISION MODIFYING THE HIGH FIRE-THREAT DISTRICT BOUNDARIES
IN SOUTHERN CALIFORNIA EDISON COMPANY'S SERVICE**

Summary

This decision approves a request by Southern California Edison Company to modify the boundaries of the High Fire-Threat District within and near its service territory. As a result of these modified boundaries, there are areas in Southern California Edison Company's territory that were previously not designated as part of the High Fire-Threat District that will now be designated as part of the High-Fire Threat District. The fire-safety regulations adopted in Decision 17-12-024 shall apply to these newly designated High Fire-Threat District areas no later than June 30, 2021.

This proceeding is closed.

1. Background

In Decision (D.) 17-01-009, as modified by D.17-06-024, the California Public Utilities Commission (Commission or CPUC) adopted a work plan for developing a map that designates areas of the state of California "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,”¹ commonly referred to as the CPUC Fire-Threat Map (previously referred to as Fire Map 2).² The CPUC High Fire-Threat District Map is comprised of two map sources and includes three fire-threat areas:

- **Zone 1** consists of Tier 1 High-Hazard Zones (HHZs) from the United States Forest Service (USFS) and California Department of Forestry and Fire Protection (CAL FIRE) joint map of Tree Mortality HHZs. Tier 1 HHZs are in direct proximity to communities, roads, and utility lines, and are a direct threat to public safety.
- **Tier 2** consists of areas on the CPUC Fire-Threat Map where there is an elevated risk (including likelihood and potential impacts on people and property) from wildfires associated with overhead utility power lines or overhead utility power-line facilities also supporting communication facilities.
- **Tier 3** consists of areas on the CPUC Fire-Threat Map where there is an extreme risk (including likelihood and potential impacts on people and property) from wildfires associated with overhead utility power lines or overhead utility power-line facilities also supporting communication facilities. Tier 3 is distinguished from Tier 2 by having the highest likelihood of utility-associated fire initiation and growth that would impact people or property, and where the most restrictive utility regulations are necessary to reduce utility fire risk.

Together, Zone 1, Tier 2 and Tier 3 constitute the High-Fire Threat District.

¹ Decision 17-01-009, issued January 19, 2017, at 2.

² Further information about and Internet access to the CPUC Fire-Threat Map is available at: <https://www.cpuc.ca.gov/FireThreatMaps/>.

Pursuant to the adopted work plan, Pacific Gas and Electric Company and San Diego Gas & Electric Company submitted a joint advice letter for approval of the CPUC Fire-Threat Map. On January 19, 2018, the Commission adopted the CPUC Fire-Threat Map via staff approval of the joint advice letter.³

D.17-12-024 also adopted regulations to enhance fire safety in the High Fire-Threat District. These fire-safety regulations aim to reduce the fire hazards associated with overhead power-line facilities and aerial communication facilities located in close proximity to overhead power lines, and are contained in the Commission's General Orders 95, 165 and 166, and Rule 11 of each of the electric investor owned utilities' electric tariff rules.

On August 19, 2019, Southern California Edison Company (SCE) filed a petition to modify D.17-12-024 (petition). The petition sought to add specific areas that are not currently included in the High Fire-Threat District, into Tier 2 of the High Fire-Threat District. Of the 43 proposed additions, 40 are within SCE's service territory; the other three areas are located within SCE's boundaries and house SCE equipment, but are not within SCE's service territory.⁴ The petition states SCE conducted a review of areas it historically identified as "high fire risk areas," which the petition describes as a combination of SCE's historical map boundaries, CAL FIRE's Fire Hazard Severity Zone maps, and the CPUC Fire-Threat Map. Some parts of SCE's designated "high fire risk areas" are not currently part of the High Fire-Threat District, and therefore the Commission's fire-safety regulations do not apply to the entirety of SCE's designated "high fire risk areas." The petition states, however, that SCE has generally treated all of its

³ Advice Letter 5211-E and 3172-E.

⁴ *Southern California Edison Company's (U 338-E) Petition for Modification of Decision 17-12-014*, filed August 19, 2019 (petition), at 6 and footnote 11.

designated “high fire risk areas” consistently with respect to wildfire threat mitigation strategies, standards, programs and activities. The petition explains that much of SCE’s “high fire risk areas” and the proposed areas to be included in the High Fire-Threat District reflect the results of a Monte Carlo-based modeling. The modeling simulated hundreds of thousands of ignitions at randomly selected points within 100 meters of overhead electric facilities, and was performed by a third-party engineering firm with experience in fire engineering and risk modeling. Appendix C of the petition includes a report of those modeling results, with detailed information for each area, or polygon, that SCE proposes to include in the High Fire-Threat District. The petition explains SCE did not complete its report until mid-2019 and therefore the petition could not have been presented within one year after the effective date of D.17-12-024.

No party filed a response to the petition.

On July 27, 2020, the assigned Administrative Law Judge (ALJ) issued an email ruling directing SCE to submit supplemental information to facilitate the Commission’s review of SCE’s proposed changes to the High Fire-Threat District, and providing notice that CAL FIRE would serve in the role that the Independent Review Team (IRT) served during the original development of the CPUC Fire-Threat Map. SCE filed the supplemental information as directed.

2. SCE’s Proposed Changes to the Boundaries of the High Fire-Threat District Are Approved With Modifications

Because SCE did not complete the report on which the petition is based until mid-2019, the petition’s late submission is justified. SCE’s proposed changes to the boundaries of the High Fire-Threat District are approved, with modifications as addressed in this section. These modifications result from a review process modeled after the process employed for developing the CPUC

Fire-Threat Map, wherein the IRT conducted a technical review of changes proposed by “Territory Leads,”⁵ and sought further information about, modified, accepted or rejected those proposed changes based on its technical review. The CPUC Fire-Threat Map development process utilized a ticketing system through which Territory Leads had an opportunity to modify or provide further justification for their proposed changes.⁶ For SCE’s proposed changes, CAL FIRE (serving in the role of the IRT) provided the results of its technical review to SCE; CAL FIRE based its technical review on the same criteria used by the IRT for reviewing proposed changes in the development of the CPUC Fire-Threat Map. These criteria were factors that impact the likelihood of fire ignition and spread, including fuel type, density and arrangement, climate influences on moisture content distributions; climatology of fire weather (fire wind speeds and directions, temperature, precipitation); and terrain (slope, ruggedness, access, and fire break) along with geographical context to other key land and fuel features.⁷

Based on its initial review, CAL FIRE rejected polygons 110, 149, 281, 314, 448, 841, 974, 987, and 1052 for inclusion in Tier 2 of the High Fire-Threat District. In general, these polygons do not represent areas with an elevated risk of wildfire ignition or spread, due to the absence of continuous fuels. CAL FIRE also rejected polygon 5 for inclusion in Tier 2, because this area is adjacent to and more closely reflects the ignition and spread characteristics of Tier 3 areas.

⁵ Employees of electric utilities who assisted in identifying areas where there is an increased risk for utility associated wildfires in specific geographical areas under the utility’s responsibility.

⁶ Decision 17-01-009 *Decision Adopting a Work Plan for the Development of Fire Map 2* (D.17-01-009), at 21-22.

⁷ D.17-01-009, Attachment 2, Figure 1: Tier Quadrant.

CAL FIRE's review also identified imprecise boundary alignment of many of SCE's proposed polygons with the boundaries of the current High Fire-Threat District. SCE then had an opportunity to modify and/or provide further rationale for a rejected polygon's inclusion in the High Fire-Threat District. SCE submitted a revised geodatabase to correct the imprecise boundary alignment issues identified by CAL FIRE; to provide further justification for its request to include polygons 314, 448, and 1052 in Tier 2; and to specify its request regarding polygon 5 to be included in Tier 3 of the High Fire-Threat District. SCE's resubmission clarifies that polygons 314, 448 and 1052 contain some fuels that, though not entirely continuous, still potentially allow for fire to propagate and impact nearby structures or higher-risk areas. CAL FIRE conducted technical review of and approved SCE's revised geodatabase. Therefore, SCE's proposed changes to the High Fire-Threat District, as reflected in Appendix C of the petition, is approved with the following modifications:

- Polygons 110, 149, 281, 841, 974, and 987 shall not be included in the High Fire-Threat District.
- Polygon 5 shall be included in Tier 3 of the High Fire-Threat District.
- The remaining polygons that SCE proposes to include in Tier 2 of the High-Fire Threat District, as modified by SCE's revised geodatabase, shall be included in Tier 2 of the High Fire-Threat District.⁸

⁸ The approved areas for inclusion in the High Fire-Threat District constitute 36,673 acres, or approximately 82 percent of the 44,527 acres proposed by the petition for inclusion in the High Fire-Threat District.

3. Implementation of Approved Changes to the CPUC Fire-Threat Map

As a result of the modifications to the High Fire-Threat District adopted by this decision, there are new areas in SCE's service territory to which the fire--safety regulations adopted in D.17-12-024 will apply. The Commission's fire--safety regulations shall be fully implemented in these newly designated areas of the High Fire-Threat District no later than June 30, 2021, including full compliance with requirements pertaining to the frequency of inspections, vegetation clearances, correction timeframes, etc.

Consistent with the work plan for developing the CPUC Fire-Threat Map, we direct SCE to submit an advice letter to seek approval of modifications to the CPUC Fire-Threat Map, as approved in this decision. The modified CPUC Fire--Threat Map will become effective upon staff approval of SCE's advice letter (whether by disposition or resolution). Commission staff shall update the relevant links on the Commission's Fire-Threat Map webpage no later than 30 days after staff approves SCE's advice letter.

4. Comments on Proposed Decision

The proposed decision of Commissioner Batjer in this matter was mailed to the parties in accordance with Section 311 of the Public Utilities Code and comments were allowed under Rule 14.3 of the Commission's Rules of Practice and Procedure. Comments were filed on _____, and reply comments were filed on _____ by _____.

5. Assignment of Proceeding

Marybel Batjer is the assigned Commissioner and Valerie U. Kao is the ALJ in this proceeding.

Findings of Fact

1. The areas identified in SCE's petition, as modified by this decision, are areas where there is an elevated or extreme risk (including likelihood and potential impacts on people and property) from wildfires associated with overhead utility power lines or overhead utility power-line facilities also supporting communication facilities; these areas are therefore appropriate for inclusion in the High Fire-Threat District.

Conclusions of Law

1. It is reasonable to consider SCE's petition to modify D.17-12-024 despite it being filed more than one year after the effective date of D.17-12-024, because SCE did not complete the report on which the petition is based until mid-2019.

2. It is reasonable to approve SCE's proposed changes to the CPUC Fire--Threat Map, as modified by this decision.

3. It is reasonable to apply the fire-safety regulations adopted in D.17-12-024 boundaries to the newly designated areas of the High Fire Threat District, as adopted in this decision, as quickly as possible.

O R D E R**IT IS ORDERED** that:

1. Southern California Edison Company's proposed changes to the of the High Fire-Threat District are adopted with modifications specified in Section 2 of this decision.

2. Within 30 days after the issue date of this decision, Southern California Edison Company must submit an advice letter, effective upon Commission approval, to seek approval of modifications to the California Public Utilities Commission Fire-Threat Map, as approved in this decision. The modified California Public Utilities Commission Fire-Threat Map will become effective

upon staff approval of Southern California Edison Company's advice letter (whether by disposition or resolution). Commission staff shall update the relevant links on the Commission's Fire-Threat Map webpage no later than 30 days after staff approves Southern California Edison Company's advice letter.

3. The fire-safety regulations adopted in Decision 17-12-024 shall be fully implemented in the newly designated areas of the High Fire-Threat District, adopted in Ordering Paragraph 1, no later than June 30, 2021.

4. Rulemaking 15-05-006 is closed.

This order is effective today.

Dated _____, at San Francisco, California.