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02/19/21
04:10 PM

COM/MBL/mef 2/19/2021

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

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

Rulemaking 18-12-005

**ASSIGNED COMMISSIONER'S PHASE 3
SCOPING MEMO AND RULING**

This Scoping Memo and Ruling (Scoping Memo) sets forth the issues to be addressed and preliminary schedule for Phase 3 of Rulemaking (R.) 18-12-005 pursuant to Public Utilities (Pub. Util.) Code § 1701.1 and Article 7 of the Commission's Rules of Practice and Procedure (Rules). Unless stated otherwise in this Scoping Memo, all rulings in the March 8, 2019 assigned Commissioner's Scoping Memo (Phase 1), the August 14, 2019 assigned Commissioner's Phase 2 Scoping Memo, and the December 19, 2019 Amended Phase 2 Scoping Memo, remain unchanged.

**1. Procedural Background of the Quasi-Legislative
Portion of the Proceeding Since the Issuance of the
December 19, 2019 Amended Phase 2 Scoping Memo**

On January 30, 2020, the assigned Administrative Law Judge (ALJ) issued a ruling requesting comments on the Phase 2 Guidelines proposed by Commission staff. A number of parties subsequently filed comments on the Phase 2 Staff Proposal. Phase 2 culminated in adoption of Decision (D).20-05-041 on June 5, 2020. D.20-05-041 adopted updated and additional de-energization guidelines for the electric investor-owned utilities. The guidelines adopted in

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D.20-05-041 expanded upon those adopted in Resolution ESRB-8 and D.19-05-042.

On June 10, 2020, the assigned ALJ in Investigation (I.) 19-11-013 issued a ruling that included as an attachment the Commission's Safety and Enforcement Division's (SED) Public Report on the Late 2019 Public Safety Power Shutoff Events (SED Report). The SED Report was created in response to the directive in I.19-11-013 that indicated that SED is to "assess the electric utilities' implementation of the Public Safety Power Shutoff (PSPS) Guidelines during the late 2019 PSPS events and to identify areas where the PSPS Guidelines and/or utility actions must be improved." Comments on the SED Report were filed in I.19-11-013.

On September 14, 2020, ALJ Stevens issued a ruling incorporating activity in I.19-11-013 and seeking comment on the SED Report (September 14, 2020 Ruling). The September 14, 2020 Ruling indicated that the Commission would continue to review modifications or additions to the de-energization guidelines and use the SED Report to inform the Commission's review in R.18-12-005. Since the comments filed on the SED Report in I.19-11-013 could inform that review, the September 14, 2020 Ruling incorporated those comments into the record of this proceeding.

The September 14, 2020 Ruling also invited parties in R.18-12-005 to file comments on how the SED Report and comments in I.19-11-013 on the SED report could inform the issues scoped into this rulemaking, including the potential development of additional or modified de-energization guidelines.

2. Phase 3 Issues

The purpose of Phase 3 is for the Commission to consider whether existing de-energization guidelines in Resolution ESRB-8, D.19-05-042, and D.20-05-041

should be further updated or whether new guidelines should be adopted in advance of the 2021 wildfire season. The Phase 3 record will be developed through comments on the Phase 3 Staff Proposal, which is Attachment 1 to this Scoping Memo. Commission staff developed the Phase 3 Staff Proposal which proposes updated and new guidelines based on review of Resolution ESRB-8, D.19-05-042, D.20-05-041, post-PSPS event reports, the responses to those reports, the SED Report and comments filed on the SED Report in I.19-11-013 and R.18-12-005.

3. Phase 3 Process and Party Comments

Parties are invited to file and serve opening and reply comments on the Phase 3 Staff Proposal (Attachment 1). Opening and reply comments shall be no longer than 25 pages. To the extent that parties have already provided comments in the existing record on any issues within the Phase 3 scope, parties may point to existing filings by identifying the title, filing date and page number of the specific comments.

4. Schedule

The following procedural schedule is adopted here and may be modified by the ALJ as required to promote the efficient and fair resolution of Phase 3 of R.18-12-005.

ITEM	DATE
Opening Comments on Phase 3 Staff Proposal Filed and Served	March 12, 2021
Reply Comments on Phase 3 Staff Proposal Filed and Served	March 19, 2021
Proposed Decision	May 2021
Commission Decision	No sooner than 30 days after issuance of the proposed decision

5. Need for Evidentiary Hearings

Evidentiary hearings will not be needed to resolve Phase 3.

6. Phase 3 Categorization and Ex Parte Communications

Phase 3 of this proceeding is categorized as quasi-legislative, consistent with Phases 1 and 2.

7. Intervenor Compensation

In accordance with Pub. Util. Code Section 1804 (a)(1), which states: “In cases ... where new issues emerge subsequent to the time set for filing, the commission may determine an appropriate procedure for accepting new ... notices of intent,” this Ruling allows any parties wishing to do so to file a new Notice of Intent to Claim Intervenor Compensation no later than 30 days from issuance of this Scoping Memo. New Notices of Intent so filed must comply with Pub. Util. Code Sections 1801-1812 and Rule 17.1 of the Commission’s Rules.

8. Service of Documents

For Phase 3, only electronic service is required.

9. Extension of the Statutory Deadline for R.18-12-005

The current statutory deadline of R.18-12-005 is May 28, 2021. Pub. Util. Code Section 1701.5(b) provides authority for the Commission to extend the statutory deadline for a quasi-legislative proceeding via a Scoping Memo. As contemplated in D.20-05-041,¹ a third phase of the proceeding is necessary consider updated and new de-energization guidelines in light of recent de-energization events as well as the findings in the SED Report. Therefore, an

¹ D.20-05-041, at 67.

extension of the statutory deadline to July 30, 2022, is necessary to allow sufficient time for the Commission to deliberate and to issue its decision on Phase 3.

IT IS RULED that:

1. The scope of Phase 3 of Rulemaking 18-12-005 as described above is adopted.
2. The Phase 3 schedule of this proceeding is as set forth above.
3. The categorization of Phase 3 remains quasi-legislative.
4. Evidentiary hearings are not needed in Phase 3.
5. New Notices of Intent to Claim Intervenor Compensation may be filed no later than 30 days from issuance of this scoping memo. New Notices of Intent so filed must comply with Public Utilities Code Sections 1801-1812 and Rule 17.1 of the Commission's Rules of Practice and Procedure.
6. For Phase 3, only electronic service is required for document service.
7. The statutory deadline of Rulemaking 18-12-005 is extended until July 30, 2022.

Dated February 19, 2021, at San Francisco, California.

/s/ MARYBEL BATJER
President Marybel Batjer
Assigned Commissioner

ATTACHMENT 1

ATTACHMENT 1

PROPOSED ADDITIONAL AND MODIFIED DE-ENERGIZATION GUIDELINES IN ADDITION TO DE-ENERGIZATION PHASE 2 DECISION (D. 20-05-051), PHASE 1 DECISION (D. 19-05-042) AND RESOLUTION ESRB-8

Preamble to Phase 3 Guidelines

1. These guidelines are ordered alphabetically for ease of reference; they are not ordered by priority or importance.
2. Each electric investor-owned utility must submit a pre-season report no later than 60 days after the issuance of the Phase 3 final decision, then again annually by May 31.
3. Each electric investor-owned utility must submit a post-season report annually, no later than January 31. The report must follow a template provided by the Safety and Enforcement Division (SED) no later than 60 days after the issuance of the Phase 3 final decision.

A. Community Resource Centers (CRCs)

1. Each electric investor-owned utility must update and finalize its CRC plan (for both fixed facility and mobile locations) for inclusion in its pre-season report.
2. Each electric investor-owned utility must coordinate in advance with local and tribal governments to (a) identify sites for CRCs, (b) the level of services that will be available at those centers, and (c) execute standing contracts in advance to ensure that CRCs can be opened quickly.
3. Each electric investor-owned utility must detail in its annual CRC plan how the CRCs will provide the services and supplies

required to serve medical baseline and AFN populations as recommended by the respective local governments and health agencies.

4. Subject to current public health and safety protocols, each electric investor-owned utility must implement only indoor CRCs when the air quality index (AQI) for that area is projected to be or is at or above 101, which is the threshold AQI considered unhealthy for sensitive groups.
5. Subject to current public health and safety protocols, each electric investor-owned utility must establish 90% of its CRCs for indoor use, unless the AQI is projected to be or is at or above 101, in which case 100% of CRCs must be for indoor use.
6. Each electric investor-owned utility must make all CRC-location information publicly available and easily accessible on its respective de-energization webpage at least 24 hours before de-energization.

B. Critical Facilities and Infrastructure

1. Each electric investor-owned utility must create a webpage accessible from its de-energization main page that explains the requirements to qualify as a “critical facility” and links the reader to an explanation of the application process to add new critical facilities.
2. Each electric investor-owned utility must provide a critical facilities plan in its pre-season report.

C. De-energization Exercises

1. The existing guideline requiring each electric investor-owned utility to plan de-energization simulation exercises is modified to require such plan to be included in the utility’s pre-season report.

2. Each electric investor-owned utility must conduct de-energization simulation exercises no later than 60 days after the issuance of the Phase 3 final decision, then again at least annually by July 1 using the same channels of decision-making, knowledge transfer, implementation, and communication that would be used in the event of a de-energization.

D. Definitions

1. “Before re-energization begins” refers to the point in time after the patrol inspection of the line is complete.
2. Concurrent Emergency: A de-energization event overlapping with a wildfire event.
3. Critical Facilities is further defined to include:
 - a. Emergency Services Sector
 - i. Tribal government providers.
 - b. Government Facilities Sector
 - i. Homeless Shelters supported by federal, state, or local, or tribal governments;
 - ii. Community Centers;
 - iii. Senior Centers;
 - iv. Temporary facilities established for civic participation (voting centers or vote tabulation facilities).
 - c. Healthcare and Public Health Sector
 - i. Cooling (or Warming) Centers designated by state, or local or tribal governments;
 - ii. Temporary facilities established for public health emergencies.
 - d. Food and Agriculture Sector
 - i. Emergency Feeding Organization as defined in federal code, 7 U.S.C. § 7501; a public or nonprofit organization

that administers activities and projects (including the activities and projects of a charitable institution, a food bank, a food pantry, a hunger relief center, a soup kitchen, or a similar public or private nonprofit eligible recipient agency).

- e. Transportation Systems Sector
 - i. Traffic Management Systems;
 - For example, street lights, traffic signals, and rail crossings.
- 4. False-negative communications are those conveying that a de-energization event will not occur, when de-energization does occur.
- 5. False-positive communications are those conveying that a de-energization event will occur, when de-energization does not occur.
- 6. Public Safety Partner is further defined to include cities and all levels of local and tribal government.
- 7. The timing of each de-energization event is defined in respect to a post-event report by the weather event that triggers an electric investor-owned utility's action to de-energize its electric circuit(s). A single de-energization event persists as long as the triggering weather event justifies the utility's actual de-energization, until the triggering weather event no longer meets the aforementioned criteria and the utility has patrolled the circuit, mitigated damage and hazards, given clearance to re-energize, and restored service, all in accordance with applicable law, Commission guidelines, and regulations.
- 8. Transmission-level is defined as voltage over 69 kv that is under the authority of the California Independent System Operator (CAISO). Sub-transmission level is defined as 34.5 kv to 69 kv and not under the authority of CAISO. Each electric investor-owned utility must provide priority notification of any de-energization event to transmission-level customers.

E. Education and Outreach

1. Each electric investor-owned utility must conduct public outreach, in all languages prevalent in its respective service territory, to communities in collaboration with relevant Community Based Organizations (CBOs) and public safety partners. Outreach must include after-event surveys and metrics to evaluate whether the awareness and outreach is helping communities and residents before, during, and after a de-energization event. Each electric investor-owned utility must report the survey results and metrics in its quarterly de-energization progress reports.

F. Emergency Operations Centers (EOCs), State Operations Center, Liaisons

1. All electric investor-owned utility EOC staff must have emergency management experience or receive emergency management training. Emergency management expertise is necessary to communicate effectively, accurately, and consistently with public safety partners before, during, and after a de-energization event.
2. All electric investor-owned utility staff must meet with representatives from Cal OES and CAL FIRE to develop uniform, synchronized methods of conducting State Executive Calls and providing notification and statistical updates to state and federal executive partners.

G. Medical Baseline and Access and Functional Needs (AFN) Communities

1. The following groups must be included in each electric investor-owned utility's identification efforts, in addition to the existing requirement for each such utility to "identify, above and beyond those in the medical baseline population":
 - Persons reliant on electric life-sustaining equipment, persons eligible for the medical baseline program.

2. Each electric investor-owned utility must build partnerships with CBOs and healthcare providers, including but not limited to, those from county-level health and human services departments, public health departments, healthcare facilities, and clinics, to lessen the impact of de-energization events, and to improve outreach and assistance for AFN communities, and medical baseline eligible customers.
3. Each electric investor-owned utility must use its own list(s) of customers in groups subject to identification efforts and work with CBOs that conduct outreach in these AFN communities to identify customers who reside in multi-family buildings and rely on elevators to access or leave their residence. Each electric investor-owned utility must include its list in its pre-season report.
 - a. Each electric investor-owned utility must contact the building manager of the building(s) identified herein in preparation for wildfire season to ensure such facilities: 1) have forewarning, and 2) discuss backup generation resource options. Each utility must additionally notify these building managers prior to conducting a de-energization event.
 - b. Each electric investor-owned utility must provide information to paratransit agencies serving all the tenants of the buildings identified herein should any tenant need access to a community resource center during a de-energization event.
4. Each electric investor-owned utility must launch a program to support resiliency for customers that rely on medical equipment to sustain life, by providing them free backup batteries that energizes such medical equipment for at least six hours. This shall be reported in progress reports and post-season reports.

H. Mitigation

1. Each electric investor-owned utility must evaluate the impact of de-energization on transmission; evaluate how to mitigate and prepare for those impacts; include this evaluation in its post-event report.

I. Notification

1. Each electric investor-owned utility must ensure that the public is able to access precise locality information of potential and active de-energization events. Each electric investor-owned utility must make every reasonable effort to avoid false-negative and false-positive communications.
2. Each electric investor-owned utility must make every attempt to provide notification of the cancellation of a de-energization event, or removal from scope, by notifying all affected entities, including the public safety partners, within two hours of the decision to cancel.
3. Each electric investor-owned utility must develop a notification plan jointly with Cal OES, public safety partners, county, tribal, and local governments, independent living centers, paratransit agencies, and representatives of all subsets of people or communities with access and functional needs. Each electric investor-owned utility must finalize its notification plan in its pre-season report.
4. In addition to notifying and coordinating with the CAISO, each electric investor-owned utility, at a minimum, must provide priority notification with transmission-level customers when considering de-energization of the customers' facilities; the notification must occur, to the extent possible, at least 48-72 hours in advance of the de-energization event.

5. Each electric investor-owned utility must update its notifications uniformly across platforms, for example, public facing notifications should be updated as soon as portal notifications are updated so that customers obtain the same information regardless of how they receive or source the information.
6. Each electric investor-owned utility must update public facing notifications immediately after private notification to Public Safety Partner emergency managers. Such notifications must be coordinated, consistent, and transparent.
7. To the extent feasible, prior to de-energization, each electric investor-owned utility must provide, in a standardized format, notices to public safety partners containing the following information:
 - a. Consolidated lists of impacted meter information, device information, and address information;
 - b. Estimated time intervals for de-energization, re-energization, and “all clear” notices;
 - c. Links to corresponding information in electric investor-owned utility portals; and
 - d. Maps and shapefiles with each notice from the outset (i.e., from the 72-hour notice through the restoration of service).
8. De-energization notices sent to public safety partners must be consolidated to the extent possible for each event, as opposed to being sent serially.
9. When communicating with public safety partners, each electric investor-owned utility must ensure that all electronic files and email subject lines use clear file-naming conventions that differentiate between events and include the time of the update.

10. Each electric investor-owned utility must, if they have not already done so, establish a portal for public safety partners to view information as well as provide an Application Programming Interface (API) for public safety partners to automatically import data.

J. Regional Working Groups

1. The large electric investor-owned utilities' quarterly working group meetings must primarily focus on management of de-energization events and the issues set forth in the Phase 2 and 3 Guidelines.

K. Reporting

1. All reporting plans concurrently required to be included in the pre-season report herein, must be produced in a single document submitted by each electric investor-owned utility.
2. In its post-event reports, each electric investor-owned utility must provide:
 - a. Circuit-by-circuit analysis of mitigation provided from backup power and microgrid pilots, including history of de-energizations for each circuit for the preceding two-year time period.
 - b. The number of customers notified in comparison to the number of customers de-energized. This information must be provided both via a map or maps and data table(s) that readily enable comparison on the same scale.
3. Each electric investor-owned utility must file a comprehensive post-season report annually, no later than January 31. The report

must follow a template provided by SED no later than 60 days after the issuance of the Phase 3 final decision.

The post-season report must include, but will not be limited to:

- a. Implementation of all applicable guidelines and requirements imposed by the Commission;
- b. Statistics and data;
- c. Status of all electric infrastructure projects (planned, in-progress, or complete) related to mitigating impacts of de-energization events, such as sectionalization, microgrid installations, system hardening, situational awareness, lessons-learned in the previous year, and the resulting impacts, if any, on the size and scope of each de-energization event; and
- d. Program information about the provision of free, two-hour backup batteries to support resiliency for critical care customers that rely on medical equipment to sustain life.

(END OF ATTACHMENT 1)