

Decision **PROPOSED DECISION OF COMMISSIONER PICKER**
(Mailed 2/16/2018)

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 REQUIRING THE PEER DEVELOPMENT PANEL TO SUBMIT A
FINAL TALLY OF THE BILLINGS SUBMITTED BY THE INDEPENDENT
REVIEW TEAM AND ORDER CLOSING THE PROCEEDING**

Summary

This decision requires the Peer Development Panel to file and serve a compliance document by May 1, 2018, that provides a final tally of the total billings submitted by the Independent Review Team.

This proceeding is closed.

1. Background

Broadly stated, the scope of this rulemaking proceeding consists of the following matters:

1. The development and adoption of a statewide fire-threat map that delineates the boundaries of a new High Fire-Threat District (“HFTD”) where stricter fire-safety regulations apply.
2. The identification, evaluation, and possible adoption of stricter fire-safety regulations that apply only to overhead power lines and communications lines located in the HFTD.

The disposition of these matters is summarized below.

1.1. The High Fire-Threat District Map

Pursuant to Decision (“D.”) 17-01-009, the boundary of the HFTD is based on two maps.¹ These maps are (1) the United States Forest Service (“USFS”) and California Department of Forestry and Fire Protection’s (“CAL FIRE”) joint map of Tree Mortality High Hazard Zones (“Tree Mortality Map”); and (2) the California Public Utilities Commission (“CPUC”) Fire-Threat Map.²

The HFTD has three fire-threat areas. **Zone 1** consists of Tier 1 High Hazard Zones (“HHZs”) on the Tree Mortality Map. 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 from wildfires associated with overhead utility facilities. **Tier 3** consists of areas on the CPUC Fire-Threat Map where there is an extreme risk from wildfires associated with overhead utility facilities.

The Tree Mortality Map is a pre-existing map that was developed jointly by the USFS and CAL FIRE.³ The CPUC Fire-Threat Map was developed in this proceeding. Primary responsibility for developing the CPUC Fire-Threat Map was assigned to a small group of utility personnel and consultants known as the Peer Development Panel (“PDP”). A separate group of independent experts, known as the Independent Review Team (“IRT”), reviewed and approved the

¹ D.17-01-009 at 39, 48, and Ordering Paragraph 1.mm.

² D.17-01-009 and D.17-06-024 refer to the CPUC Fire-Threat Map as “the Shape B Map” and/or “the Shape C Map.” D.16-05-036 refers to the CPUC Fire-Threat Map as “Fire Map 2.”

CPUC Fire-Threat Map developed by the PDP. CAL FIRE selected the members of the IRT and oversaw the work of the IRT.

Decision 17-01-009 adopted a funding mechanism whereby Pacific Gas and Electric Company (“PG&E”), San Diego Gas & Electric Company (“SDG&E”), and Southern California Edison Company (“SCE”) shall together provide up to \$500,000 to pay for expert consultants and other expenses incurred by the IRT.⁴ On November 20, 2017, the PDP filed and served a document that reported, among other things, that total IRT-related expenses were \$291,374 through the billing period of September 2017.⁵

Decision 17-01-009, as modified by D.17-06-024, adopted a schedule for the development and adoption of the CPUC Fire-Threat Map. This schedule was revised in a ruling issued by the assigned Administrative Law Judges (“ALJs”) on October 6, 2017. The final steps of the schedule consisted of the following:

- The submittal of a Tier 1 advice letter by the PDP that contained the IRT-approved CPUC Fire-Threat Map. This task was completed on January 5, 2018, when PG&E and SDG&E submitted a joint Tier 1 advice letter on behalf of the PDP that contained the IRT-approved CPUC Fire-Threat Map.⁶ The joint PG&E-SDG&E advice letter requested a shortened protest period of 10 days pursuant to Section 1.3 of General Order 96-B.

³ The Tree Mortality Map may be updated from time-to-time by the USFS and CAL FIRE. Any such updates will be incorporated into the HFTD Map in accordance with the procedures set forth in D.17-01-009 at Ordering Paragraph 9.

⁴ D.17-01-009 at 17-21 and Ordering Paragraphs 1.s, 1.t, and 2.

⁵ Response of the Peer Development Panel to Administrative Law Judges’ October 6, 2017 Ruling – Additional Shape B Map Information, filed on November 20, 2017, Attachment A at A-2.

⁶ PG&E joint Advice Letter 5211-E and SDG&E joint Advice Letter 3172-E.

This request was granted by the Director of the Commission's Safety and Enforcement Division ("SED").

- There were no protests or responses to the joint PG&E-SDG&E advice letter. The advice letter was approved by the Director of SED in a disposition letter dated January 19, 2018.
- Pursuant to D.17-01-009 and D.17-06-024, the HFTD Map, consisting of Tier 1 HHZs on the Tree Mortality Map and Tier 2 and Tier 3 fire-threat areas on the CPUC Fire-Threat Map, went into effect on the date the joint PG&E-SDG&E advice letter was approved by the disposition letter.⁷

The Commission's development and adoption of a statewide fire-threat map that delineates the boundaries of a new HFTD where stricter fire-safety regulations apply is now complete.

1.2. Stricter Fire-Safety Regulations for the High Fire-Threat District

The scope of this proceeding includes the identification, evaluation, and possible adoption of stricter fire-safety regulations for the HFTD. The Commission completed this task in D.17-12-024, which adopted significant new regulations to enhance the fire safety of overhead electric power lines and communications lines in the HFTD.

2. Discussion

All matters within the scope of this proceeding have been addressed. Therefore, the docket for this proceeding should be closed.

Separately, the PDP shall file and serve by May 1, 2018, a compliance document that provides a final tally of the total billings submitted by the IRT and paid by PG&E, SCE, and SDG&E. The tally shall be broken down by (1) the total

⁷ D.17-01-009 at 46, Conclusion of Law 51, and Ordering Paragraphs 1.jj.iii and 1.nn. D.17-06-024 at 9, 22, Ordering Paragraph 2, and Appendix A at A-23 and A-25.

amount paid by each utility, and (2) the total amount paid to each expert consultant, consulting firm, and other billing entity, if any.

3. Comments on Proposed Decision

The proposed decision of Commissioner Picker was mailed to the parties in accordance with Pub. Util. Code § 311, and comments were allowed in accordance with Rule 14.3 of the Commission's Rules of Practice and Procedure. There were no comments on the proposed decision.

4. Assignment of the Proceeding

Michael Picker is the assigned Commissioner for this proceeding, and Timothy Kenney and Valerie U. Kao are the co-assigned ALJs.

Findings of Fact

1. On January 5, 2018, PG&E and SDG&E jointly submitted a Tier 1 advice letter that contained the final IRT-approved CPUC Fire-Threat Map. There were no protests or responses to the advice letter. The advice letter was approved by a disposition letter dated January 19, 2018, issued by the Director of SED.

2. All matters within the scope of this proceeding have been addressed.

3. D.17-01-009 adopted a funding mechanism whereby PG&E, SDG&E, and SCE shall together provide up to \$500,000 to pay for expert consultants and other expenses incurred by the IRT for the development, review, and approval of the CPUC Fire-Threat Map.

Conclusions of Law

1. The HFTD Map, consisting of Tier 1 HHZs on the Tree Mortality Map and Tier 2 and Tier 3 fire-threat areas on the CPUC Fire-Threat Map, was adopted by the Commission and went into effect on January 19, 2018, pursuant to D.17-01-009 and D.17-06-024.

2. The PDP should file and serve by May 1, 2018, a compliance document that provides a final tally of the total billings submitted by the IRT and paid by PG&E, SCE, and SDG&E. The tally should be broken down by (i) the total amount paid by each utility, and (ii) the total amount paid to each expert consultant, consulting firm, and other billing entity, if any.

3. This proceeding should be closed.

4. The following order should be effective immediately so that the docket for this proceeding may be closed expeditiously.

O R D E R

IT IS ORDERED that:

1. The Peer Development Panel shall file and serve by May 1, 2018, a compliance document that provides a final tally of the total billings submitted by the Independent Review Team and paid by Pacific Gas and Electric Company, San Diego Gas & Electric Company, and Southern California Edison Company. The final tally shall be broken down by (i) the total amount paid by each utility, and (ii) the total amount paid to each expert consultant, consulting firm, and other billing entity, if any.

2. Rulemaking 15-05-006 is closed.

This order is effective today.

Dated _____, at San Francisco, California.