

COM/MP6/avs

Date of Issuance 7/19/2019

Decision 19-07-015 July 11, 2019

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

Order Instituting Rulemaking Regarding  
Emergency Disaster Relief Program.

Rulemaking 18-03-011

**DECISION ADOPTING AN EMERGENCY DISASTER RELIEF PROGRAM FOR  
ELECTRIC, NATURAL GAS, WATER AND SEWER UTILITY CUSTOMERS**

## TABLE OF CONTENTS

Title	Page
DECISION ADOPTING AN EMERGENCY DISASTER RELIEF PROGRAM FOR ELECTRIC, NATURAL GAS, WATER AND SEWER UTILITY CUSTOMERS .....	2
Summary .....	2
1. Background.....	3
1.1. California’s 2017 Wildfire Season .....	5
1.2. California’s 2018 Wildfire Season .....	5
1.3. Stakeholder Participation.....	6
2. Issues Before the Commission .....	6
3. Discussion and Analysis.....	8
3.1. Action Taken When Disaster Strikes.....	9
3.1.1. Position of Parties .....	10
3.1.2. Conclusion .....	15
3.2. Action Taken During Disaster: Electric and Natural Gas Customers.....	18
3.2.1. Position of Parties .....	18
3.2.2. Conclusion .....	21
3.2.3. Coordination with Community Choice Aggregators .....	25
3.2.3.1. Position of Parties .....	25
3.2.3.2. Conclusion .....	25
3.2.4. Cost Recovery.....	26
3.2.4.1. Position of Parties .....	26
3.2.4.2. Conclusion .....	27
3.2.5. Coordination with local, state, and federal agencies.....	27
3.2.5.1. Position of Parties .....	28
3.2.5.2. Conclusion .....	30
3.2.6. Public Awareness of Customer Protections.....	31
3.2.6.1. Position of Parties .....	31

**TABLE OF CONTENTS**

**Con't.**

<b>Title</b>	<b>Page</b>
3.2.6.2. Conclusion .....	35
3.2.7. Action Taken Post-Disaster .....	37
3.2.7.1. Position of Parties .....	37
3.2.7.2. Conclusion .....	40
3.3. Action Taken During Disaster for Water and Sewer Customers.....	40
3.3.1. Position of Parties .....	41
3.3.2. Conclusion .....	42
3.4. Cost Recovery Mechanism .....	44
3.4.1. Position of Parties .....	44
3.4.2. Conclusion .....	45
3.5. Coordination with local, state, and federal agencies .....	45
3.5.1. Position of Parties .....	45
3.5.2. Conclusion .....	47
3.6. Public Awareness of Customer Protections .....	47
3.6.1. Position of Parties .....	48
3.6.2. Conclusion .....	49
3.7. Action Taken After Disaster .....	51
3.7.1. Position of Parties .....	51
3.7.2. Conclusion .....	52
4. Comments on Proposed Decision .....	52
5. Assignment of Proceeding .....	53
Findings of Fact.....	53
Conclusions of Law .....	54
ORDER .....	63

**DECISION ADOPTING AN EMERGENCY DISASTER RELIEF  
PROGRAM FOR ELECTRIC, NATURAL GAS, WATER  
AND SEWER UTILITY CUSTOMERS**

**Summary**

This decision adopts an emergency disaster relief program for electric, natural gas, water, and sewer utility customers under this Commission's jurisdiction. The emergency disaster relief program is designed to ensure that California utility customers who experience a housing or financial crisis due to a disaster, keep vital utility services and receive financial support in the wake of a disaster. The emergency disaster relief program shall be implemented upon a Governor of California's state of emergency declaration or a Presidential State of Emergency declaration, when a disaster has either resulted in the loss or disruption of the delivery or receipt of utility service and/or resulted in the degradation of the quality of utility service. The mandated customer protections shall remain in effect from the date of the Governor of California's state of emergency declaration or a Presidential state of emergency declaration, and shall conclude no sooner than twelve (12) months from the date of the original emergency declaration, or as appropriately determined by the Governor's Office of Emergency Services. Should the utilities wish to extend the protection beyond the default 12-month period we establish here, the utilities may request an extension, via Tier 1 Advice Letter, to ensure that customers receive necessary support. The utilities are encouraged to do more to support customers and thus, are not barred from implementing additional assistance programs of their own to augment the protections provided by these rules.

This proceeding remains open to consider the issues for the communications service providers and stakeholders.

Nothing in this proceeding changes any of the notice, communication, outreach or other requirements of the Commission's ongoing Wildfire Mitigation Plan and de-energization proceedings or any decisions issued in Rulemaking 18-10-007.

## **1. Background**

The California Public Utilities Commission (Commission) established Rulemaking (R.) 18-03-011 to adopt an emergency disaster customer relief program for entities under this Commission's jurisdiction. This proceeding is predicated upon Resolutions M-4833 and M-4835 that required the electric, gas, communications, and water utilities and service providers to take reasonable and necessary steps to help Californians affected by a series of devastating wildfires across California.

The customer protections established in Resolutions M-4833 and M-4835 created specific, mandated protections for the customers of our regulated entities who suffer catastrophic injury from disasters, like wildfires. The 2017 Resolution's protections for electric and natural gas customers are: (1) waiver of deposit requirements for residents seeking to re-establish service for one year and expedite move-in and move-out service requests; (2) stop estimated energy usage for billing attributed to the time period when the home/unit was unoccupied as a result of the wildfires; (3) create payment plan options; (4) suspend disconnection for non-payment and associated fees, waiver of deposit and late fee requirements; and (5) provide support for low-income customers.<sup>1</sup>

The 2017 Resolution's protections for water and sewer customers are: (1) work cooperatively with affected customers to resolve unpaid bills and

---

<sup>1</sup> Resolution M-4833 at 5-8; Resolution M-4835 at 4-8.

minimize disconnections for non-payment; (2) waive reconnection or facilities fees for affected customers and suspend deposits for affected customers who must reconnect to the system; (3) provide reasonable payment options to affected customers; and (4) waive bills for customers who lost their homes in fires.<sup>2</sup> The Resolutions enumerated a number of communications service provider customer protections in addition to those provided through the LifeLine program.<sup>3</sup>

The protections adopted in the 2017 resolutions were designed to ensure that Californians who experienced housing or financial crises due to disaster did not lose access to vital utility services. However, these protections were limited narrowly to the specific incidents identified in the resolutions.

Experience shows us that implementing a new resolution for each disaster is likely not responsive or timely enough given the unexpected occurrence and critical nature of such disasters. As a result of this Rulemaking, we established interim measures in Decision (D.) 18-08-004, which affirmed the provisions of Resolutions M-4833 and M-4835 as temporary disaster relief protection measures for customers until this proceeding developed a permanent emergency disaster relief program. Here, we establish a permanent set of emergency disaster customer protection measures that the utilities are mandated to implement in the event of a declared emergency. A permanent emergency disaster relief program ensures predictability, consistency, and directs utility companies to establish the systems and procedures necessary to provide swift and substantive assistance to affected customers.

---

<sup>2</sup> Resolution M-4833 at 16-17.

<sup>3</sup> *Id.* at 10-16.

### **1.1. California's 2017 Wildfire Season**

Autumn 2017 will be remembered for the terrible wildfires that devastated numerous communities in Northern and Southern California.

On October 8, 2017, multiple fires broke out throughout Northern California. In less than 24 hours, more than 18 fires began burning in at least seven counties across the state. By the time the fires were contained two weeks later, more than 200,000 acres of land were devastated, property damaged, and dozens of lives were lost. The fires damaged utility infrastructure providing electricity, communications, water, and gas service to thousands of Californians.

On October 9 and 10, 2017, Governor Brown declared states of emergency in the Counties of Butte, Lake, Mendocino, Napa, Nevada, Orange, Solano, Sonoma, and Yuba.<sup>4</sup>

On October 9, 2017, the Canyon Fire began burning in Southern California, resulting in additional evacuations and damage to utility infrastructure.

### **1.2. California's 2018 Wildfire Season**

California experienced a record-breaking fire season in 2018, resulting in billions of dollars in damage and numerous lives lost.

In Northern California, the Mendocino Complex Fire grew to more than 300,000 acres. The Carr Fire, near Mount Shasta, wreaked havoc on Shasta County and the town of Redding. The 175,000-acre Carr Fire blaze prompted nearly 40,000 evacuations and burned more than 1,000 homes to become the sixth most destructive fire in the State's history. The Ferguson Fire near Yosemite National Park became the largest fire in Sierra National Forest history.

---

<sup>4</sup> The Governor's Proclamations are available at: <https://www.gov.ca.gov/aneews.php?id=2-2017-October>.

In Southern California, the Holy Fire grew over thousands of acres and prompted more than 20,000 evacuations and threatened more than 7,000 homes. The fire spilled over the Orange County line into Riverside County. At least a dozen structures were damaged because of the Holy Fire.

In Fall 2018, the Camp Fire of Northern California burned more than 150,000 acres and leveled entire towns. It destroyed over 18,000 structures – everything from homes, churches, and stores – and took the lives of more than 85 people. CalFIRE reported that at least 13,503 residences, 514 businesses, and 4,404 barns, sheds, and other buildings burned in the Camp Fire.

Simultaneously, the Woolsey Fire in Southern California broke out between Los Angeles and Ventura counties. The Woolsey Fire burned almost 100,000 acres damaging countless structures, homes, lands and parks across much of Southern California.

### **1.3. Stakeholder Participation**

This proceeding involved extensive stakeholder participation and multiple, all-party public workshops hosted by the CPUC in partnership with the California Governor's Office of Emergency Services (CalOES) (Workshops). Stakeholder and public discussion focused on the implementation of the customer protections from Resolutions M-4833 and M-4835, the utility emergency response and coordinated emergency response between industry and local, state, and federal first responders, and a reflection on insights and lessons learned from recent wildfires.

## **2. Issues Before the Commission**

Parties filed comments in response to the Scoping Memo on July 13, 2018. As set forth in the Scoping Memo, the issues to be addressed for the electric, natural gas, water, and sewer residential and small business customers are:

- a. Emergency Proclamation:** Whether post-disaster emergency customer protections should automatically apply to residential and small business utility customers when the Governor of California issues a formal state of emergency proclamation. If yes, should the emergency customer protections apply if: (1) the disaster has resulted in the loss, disruption of the delivery, or receipt of, utility service to the customer; and/or (2) the disaster results in the degradation of the quality of utility service to the customer?
- b. Period of Implementation:** Shall the emergency customer protections commence upon a state of emergency and conclude no sooner than twelve (12) months from the date of commencement or as appropriately determined by the Governor's Office of Emergency Services?
- c. Compliance:** Shall the Commission require the utilities to file an advice letter demonstrating compliance with the activation of customer protections, or should another method be used to demonstrate compliance?
- d. Emergency Customer Protections:** Should the Commission adopt the customer protections from Resolutions M-4833 and M-4835 for electric and gas customers, with or without modifications? What modifications, if any, should be made?
- e. Coordination with Community Choice Aggregators (applicable to electrical corporations):** What coordination should occur between a utility and a Community Choice Aggregator in a disaster situation?
- f. Coordination with local, state, and federal agencies:** Should the Commission require the utilities to provide information to other government entities at an aggregated level that cannot be used to identify a specific customer, to give assistance to only those affected by a disaster?
- g. Public Awareness of Customer Protections:** Should the Commission direct the utilities to develop proposals to maximize customer awareness regarding the availability of these disaster relief customer protections in specific

emergency and disaster situations? Should customer awareness proposals, if required, be implemented via an advice letter, or through some other method?

- h. Cost Recovery Mechanism:** What cost-recovery mechanism should the Commission approve to allow the utilities to track and potentially recover costs associated with the customer protections adopted in the proceeding?

Parties who participated in the electric, natural gas, water and sewer portions of this proceeding and filed comments include: (1) the National Consumer Law Center, The Utility Reform Network, and the Center for Accessible Technology (Joint Consumers); (2) the Public Advocates Office (Cal Advocates); (3) California Water Association (CWA); (4) San Diego Gas & Electric Company and Southern California Gas Company (SDG&E and SoCalGas); Southern California Edison Company (SCE); Pacific Gas and Electric Company (PG&E); PacifiCorp; Southwest Gas Corporation (SWG); and Bear Valley Electric Service (BVES).

### **3. Discussion and Analysis**

This decision establishes a state-wide approach to support customers with essential utility functions across a range of potential threats and emergencies. Continuity and sustainment of essential functions is a shared responsibility of the Commission, its counterparts across the State government, and its regulated entities. It is critical to sustain and restore essential communications, deliver critical services, and supply services to utility customers under disastrous conditions. This decision includes actions necessary to help meet basic utility customer needs after a catastrophic incident has occurred.

Our emergency disaster relief program is focused on ensuring that the State can effectively respond to disasters that affect utility service, including those with cascading effects. This response will help stabilize communities in the

wake of a disaster that affects utility customers, ensure the restoration of basic services, assist with restoring community functionality, and support access to resources that facilitate recovery.

### **3.1. Action Taken When Disaster Strikes**

The State of California has a responsibility to protect the health and safety and preserve the lives and property of the people of California.

The California Governor has the power to proclaim the existence of a disaster or of extreme peril to the safety of persons and property within the state. These conditions are often caused by conditions such as air pollution, fire, flood, storm, sudden and severe energy shortage, earthquake, volcanic eruption, or other similar conditions. By reason of their magnitude, these conditions are or are likely to be beyond the capabilities of the services, personnel, equipment, and facilities of any single county, city and county, or city and require the combined forces of the government to provide relief. For our part, the Commission has a responsibility to mitigate the effects of a natural or man-made emergency that results from the degradation or disruption of utility service and service quality in times of disaster.

In this proceeding, we asked parties whether post-disaster emergency customer protections should automatically apply for residential and small business utility customers in a given area when the Governor of California issues a formal state of emergency proclamation covering that area? We also asked parties that if the trigger is the state of emergency proclamation, should the emergency customer protections apply if: (1) the disaster has resulted in the loss, disruption of the delivery, or receipt of, utility service to the customer; and/or (2) the disaster results in the degradation of the quality of utility service to the customer?

Additionally, we asked parties whether the period for which the emergency customer protections should commence upon the issuance of the emergency proclamation and conclude no sooner than twelve (12) months from the date of commencement or as appropriately determined by the Governor's Office?

### **3.1.1. Position of Parties**

Generally, parties agree that an automatic trigger and application of the emergency customer protections upon the issuance of a formal state of emergency declaration by the California Governor is appropriate. Parties also generally agree that the emergency customer protections should apply if (1) the disaster has resulted in the loss, disruption of the delivery, or receipt of, utility service to the customer; and/or (2) the disaster results in the degradation of the quality of utility service to the customer. Finally, parties also generally agree that the protection should, by default, last for twelve months from the date of the Governor's emergency declaration.

Joint Consumers support the automatic application of emergency customer protections following a formal declaration by the Governor establishing a state of emergency. Further, they agree that where the disaster has caused a disruption of the delivery or receipt of utility service and/or the degradation of the quality of the utility service to residential and small business consumers, the protections should apply.<sup>5</sup> They further state that the emergency disaster protections should last twelve months from the date of commencement (*e.g.*, the date of the state of emergency declaration) or as appropriately determined by the Governor's Office.<sup>6</sup> Joint Consumers contend that the

---

<sup>5</sup> Joint Consumers Comments on Scoping Memo and Ruling at 2.

<sup>6</sup> *Id.* at 6.

Commission should consider “delivery or receipt” of water utility service “disrupted” when a disaster(s): that is the subject of a qualifying emergency [declaration] results in a temporary or permanent interruption in the customer’s receipt of, or ability to benefit from, utility service at the service address.<sup>7</sup>

Disruption may occur, but is not limited to, when a disaster(s) has resulted in the destruction of, or damage to, either a structure where a customer receives utility service or the utility’s infrastructure or equipment that delivers service, such that utility service is disrupted voluntarily or involuntarily due to safety concerns or reconstruction activities to address the damage from a [declared] state of emergency event.<sup>8</sup>

Furthermore, Joint Consumers argues that the Commission should define “quality of utility service” as “degraded” when a disaster has affected water quality such that a customer’s usage must change.<sup>9</sup>

CWA states that emergency customer protections should be provided in the event the Governor of California issues a formal state of emergency declaration for a disaster or emergency that disrupts or degrades utility service to customers – with the exception of a drought state of emergency.<sup>10</sup> CWA contends that a drought emergency is an event that concerns a widespread shortage or prospective shortage of water supply to meet anticipated demand, rather than a disaster with accompanying or incidental damage to utility equipment or

---

<sup>7</sup> Joint Consumers Comments on Proposed Decision at 13.

<sup>8</sup> *Id.*

<sup>9</sup> *Id.* at 14.

<sup>10</sup> CWA Comments on Scoping Memo and Ruling at 2.

services.<sup>11</sup> CWA concurs with Joint Consumer's proposed definitions, as stated above.<sup>12</sup>

SCE supports the automatic application of emergency customer protections upon the issuance of a formal state of emergency declaration by the Governor of California. SCE states it "minimize[s] confusion and set[s] a clear precedent on how and when the disaster relief program [is] activated."<sup>13</sup> SCE offered that the meaning of disruption of the delivery or receipt of utility service should be interpreted to apply when a disaster(s) has resulted in the destruction or damage of a structure, such that utility service is disrupted voluntarily or involuntarily due to safety concerns or reconstruction activities to address the damage from a proclaimed state of emergency event.<sup>14</sup> SCE also offered that the meaning of utility degradation should be defined as reduced service quality that would result in inadequate power.<sup>15</sup> Finally, SCE states it is reasonable to provide customer protections for up to one year to assist in customers' rebuilding efforts and if there is a need to extend the customer protections beyond one year, the utilities should be able to request an extension via a Tier 1 Advice Letter.<sup>16</sup>

SDG&E and SoCalGas also agree that an emergency declaration by the Governor is an appropriate trigger for the emergency customer protections.<sup>17</sup> SDG&E and SoCalGas contend that relief plans should be available to those

---

<sup>11</sup> *Id.*

<sup>12</sup> CWA Reply Comments on Proposed Decision at 3-4.

<sup>13</sup> SCE Comments on Scoping Memo and Ruling at 2.

<sup>14</sup> *Id.*

<sup>15</sup> *Id.* at 3.

<sup>16</sup> *Id.* at 5.

<sup>17</sup> SDG&E and SoCalGas Prehearing Conference Statement at 1.

directly affected by the disaster and as identified by SDG&E and SoCalGas.<sup>18</sup> They argue that several factors should be considered when making the determination for eligibility, such as: (1) directly impacted customers who have a need to relocate due to damage to their property; (2) where the structure suffered damage but the customer continues to occupy the residence; or (3) where customers who have sustained loss of service and/or lack ability to occupy a primary residence.<sup>19</sup>

PG&E states that the emergency customer protections should automatically apply when the Governor of California issues a formal state of emergency declaration.<sup>20</sup> PG&E also contends that all customers whose homes or businesses are destroyed in a disaster should be eligible for all customer protections measures.<sup>21</sup> PG&E also proposes to offer benefits to other customers living or conducting business in the areas impacted by the disaster including: (1) avoiding estimated bills when possible for evacuated customers; (2) more favorable payment plans, if requested by the customer, for customers in cities impacted by the disaster; and (3) additional protections for low-income customers in impacted counties.<sup>22</sup> PG&E supports a twelve-month period for customer protection application.<sup>23</sup> Finally, PG&E agrees with SCE's definition of "disruption of the delivery or receipt of utility service" and recommends that the Commission clarify "degradation of the receipt of adequate service quality of

---

<sup>18</sup> *Id.* at 3.

<sup>19</sup> *Id.*

<sup>20</sup> PG&E Comments on Scoping Memo and Ruling at 2.

<sup>21</sup> *Id.*

<sup>22</sup> *Id.*

<sup>23</sup> *Id.* at 3.

utility service” to state that this includes any service that does not meet service requirements of the utility’s applicable tariffs.<sup>24</sup>

BVES argues that the governor’s state of emergency declaration should not automatically trigger the emergency customer protections.<sup>25</sup> BVES contends that events leading to emergency proclamations are too broad to warrant automatic triggering of emergency customer protections, which often include epidemics, plant or animal infestation or disease, or other events that will not alter or impact utility services.<sup>26</sup>

PacifiCorp argued that it supports the adoption of rules that would automatically trigger consumer protections in the counties that are subject of any declaration of a state of emergency by the governor. PacifiCorp further contends that instead of triggering a prescriptive, one-size-fits-all set of consumer protections, the emergency declaration should trigger the obligation of the applicable utilities to implement consumer protections that are tailored to, and appropriate for, the type, scope, and scale of the disaster.<sup>27</sup> In the alternative, if the Commission favors an automatic trigger initiated by an emergency proclamation, PacifiCorp requests the Commission to consider an exception whereby small multijurisdictional utilities (SMJU), under which an SMJU could file an advice letter describing to the Commission: (1) the scope of the disaster; (2) the specific consumer protections being implemented by the utility; (3) the

---

<sup>24</sup> PG&E Workshop Comments at 3.

<sup>25</sup> BVES Prehearing Conference Statement at 2.

<sup>26</sup> *Id.*

<sup>27</sup> PacifiCorp at 2.

applicable customer eligibility criteria for the enumerated protections; and (4) the duration of time for which the proposed consumer protections will apply.<sup>28</sup>

The Commission and CalOES held a joint all-party public workshop on November 5, 2018 for the electric and natural gas utilities and stakeholders. The parties considered this topic at the workshop. There, parties agreed by consensus that an emergency declaration by the governor of California and/or by the president of the United States is an appropriate trigger to apply the emergency customer protections.<sup>29</sup> However, Joint Consumers asked parties and the Commission to consider local government emergency declarations as additional triggering events to the governor or president's state of emergency proclamation. PG&E, SCE, SoCalGas, and SDG&E did not support the use of a local government emergency declaration as a triggering event for the implementation of the emergency customer protections.<sup>30</sup> For CWA's part, at the Commission and CalOES joint all-party public workshop on November 5, 2018 for the water and sewer utilities, CWA stated that multiple emergency declarations could create duplication and create confusion.<sup>31</sup>

### **3.1.2. Conclusion**

Natural and manmade disasters are becoming more frequent, far-reaching, and their effects are more widespread. Preserving safety and security in the wake of natural and manmade disasters is paramount. We agree with parties that an emergency declaration by the governor of California or president of the United States is the appropriate trigger to automatically implement the

---

<sup>28</sup> *Id.*

<sup>29</sup> CPUC and CalOES Energy All-Party Workshop Transcript, November 5, 2018 at 210.

<sup>30</sup> *Id.* at 211-217.

<sup>31</sup> CPUC and CalOES Water and Sewer All-Party Workshop Transcript, November 6, 2018 at 356.

emergency customer protections. It is only appropriate where the disaster has caused a disruption of the delivery or receipt of utility service and/or the degradation of the quality of the utility service to residential and small business customers. An emergency declaration by the governor of California or president of the United States will minimize confusion and set a clear precedent on how and when the emergency disaster customer relief program is implemented.

For the electric and natural gas utilities, we adopt SCE's definition of disruption of the delivery or receipt of utility service and degradation of utility service. Therefore, the meaning of disruption of the delivery or receipt of utility service should be interpreted to apply when a disaster(s) has resulted in the destruction or damage of a structure, such that utility service is disrupted voluntarily or involuntarily due to safety concerns or reconstruction activities to address the damage from a proclaimed state of emergency event. The meaning of utility degradation should be defined as reduced service quality that would result in inadequate power and any service that does not meet service requirements of the utility's applicable tariffs.

For the water and sewer utilities, we adopt CWA's definitions. Therefore, "delivery or receipt" of water utility service should be considered "disrupted" when the disaster: (1) prevents the water utility from rendering service to a customer (due to damage to or destruction of utility infrastructure and/or equipment, or due to a loss of power); or (2) results in damage to or destruction of a customer's home and/or business, such that the customer is prevented from receiving utility service at that address.<sup>32</sup> Furthermore, we agree with CWA that the "quality of utility service" should be considered "degraded" when a disaster has resulted in a loss of water supply, or a contamination event (*e.g.* exceedance

---

<sup>32</sup> CWA Workshop Comments at 2-3.

of a Maximum Contaminant Limit, saltwater intrusion, algae bloom, or chemical spill) giving rise to a declared state of emergency.<sup>33</sup> Finally, we agree with CWA that emergency customer protections should be provided in the event the Governor of California issues a formal state of emergency proclamation for a disaster or emergency that disrupts or degrades utility service to customers – with the exception of a drought state of emergency.<sup>34</sup>

A state or federal emergency declaration signals a shared understanding of needs, capabilities, and large-scale coordinated action between the Commission, CalOES, CalFIRE, local entities and our regulated corporations. It establishes a greater sense of empowerment and integration of resources from across our government and the Commission’s regulated entities. The utilities are therefore directed to implement the emergency customer protections, discussed below, upon the declaration of a state of emergency by the governor or president where the disaster has caused (1) a disruption of the delivery or receipt of utility service; and/or (2) the degradation of the quality of the utility service to residential and small business customers. The customer protections shall commence upon the issuance of the emergency proclamation and conclude no sooner than twelve (12) months from the date of commencement or as appropriately determined by CalOES.

We allow the electric and natural gas utilities to request an additional six (6) month extension, via a Tier 1 Advice Letter, beyond the twelve (12) month time period from the date of the emergency proclamation to provide the mandated emergency customer protections to those who still need assistance.

---

<sup>33</sup> *Id.*

<sup>34</sup> CWA Comments on Scoping Memo and Ruling at 2.

The utilities can request an additional six (6) month extension via a Tier 1 Advice Letter as often as necessary.

SDG&E and SoCalGas state they do not support establishing specific targets for gas service reconnection times.<sup>35</sup> Jointly, they state that restoration times may vary greatly based on the scale and impact of a particular disaster, which includes disaster-related safety concerns. Further, the utilities state that restoration time is also affected by resource availability, meter access, and customer availability and SDG&E and SoCalGas conduct safety checks and enter each home when restoring natural gas service. We agree with SDG&E and SoCalGas on these points, and decline to adopt specific targets for gas service reconnection times.

Finally, all customers whose utility service is disrupted or degraded, within an area that is declared to be a state of emergency by the governor or president, shall be covered under the protections we set forth here.

### **3.2. Action Taken During Disaster: Electric and Natural Gas Customers**

Taking action during a disaster is necessary to reduce the negative impact of that disaster. Throughout this proceeding, we asked parties whether the Commission should adopt the customer protections from Resolutions M-4833 and M-4835 for electric and gas customers, with or without modification.

#### **3.2.1. Position of Parties**

The Commission and CalOES held a joint all-party public workshop on November 5, 2018 for the electric and natural gas utilities and stakeholders. The parties considered this topic at the workshop. There, parties agreed by consensus that the Commission should adopt the customer protections from

---

<sup>35</sup> SDG&E and SoCalGas Comments on Scoping Memo and Ruling at 4.

Resolutions M-4833 and M-4835 for electrical and natural gas customers. Additionally, in their comments, Joint Consumers,<sup>36</sup> Cal Advocates,<sup>37</sup> SCE,<sup>38</sup> SDG&E and SoCalGas,<sup>39</sup> PG&E,<sup>40</sup> BVES,<sup>41</sup> SWG,<sup>42</sup> and PacifiCorp<sup>43</sup> support the use of the consumer protections in Resolutions M-4833 and M-4835. We discuss the parties' positions below.

SDG&E and SoCalGas<sup>44</sup> state they support the adoption of post-disaster customer protections and believe the emergency customer protections that were adopted in Resolutions M-4833 and M-4835 should be adopted to apply in future incidents.<sup>45</sup>

SCE supports adopting the customer protections from Resolutions M-4833 and M-4835 for electric customers.<sup>46</sup> Additionally SCE proposes to temporarily suspend all CARE and FERA program removals to avoid unintentional loss of the discounted rate during the period for which the customer is protected under these customer protections.<sup>47</sup> SCE proposes to discontinue generating all recertification and verification requests that require customers to provide their

---

<sup>36</sup> Joint Consumers Comments on Scoping Memo and Ruling at 7.

<sup>37</sup> Cal Advocates Workshop Comments at 6.

<sup>38</sup> SCE Comments on Scoping Memo and Ruling at 2.

<sup>39</sup> SDG&E and SoCalGas Comments on Scoping Memo and Ruling at 2.

<sup>40</sup> PG&E Comments on Scoping Memo and Ruling at 2.

<sup>41</sup> BVES OIR Comments at 5.

<sup>42</sup> SWG Workshop Comments at 4-5.

<sup>43</sup> PacifiCorp Prehearing Conference Statement at 2.

<sup>44</sup> SDG&E and SoCalGas Comments on Scoping Memo and Ruling at 2.

<sup>45</sup> SDG&E and SoCalGas Comments on Scoping Memo and Ruling at 2.

<sup>46</sup> SCE Comments on Scoping Memo and Ruling at 6 and Workshop Comments at 6.

<sup>47</sup> *Id.*

current income information.<sup>48</sup> Finally, SCE states that the Commission should adopt all of the customer protections in Resolutions M-4833 and M-4835 for electric customers because these protections offer significant benefits that help customers access services and support customers financially.<sup>49</sup> PG&E<sup>50</sup> asserts that all of the post-disaster consumer protections should be adopted, as they are sufficiently inclusive.<sup>51</sup>

Joint Consumers<sup>52</sup> and Cal Advocates states as a default measure, the Commission should adopt all of the post-disaster customer protections from Resolutions M-4833 and M-4835 but should aim to collect data over the next year to assess whether the protections are achieving their intended effects.<sup>53</sup>

BVES<sup>54</sup> states that while the Resolutions M-4833 and M-4835 may be appropriate in instances when the governor issues a state of emergency proclamation, such protections should be tailored for customer relief to affected utility services.<sup>55</sup>

PacifiCorp<sup>56</sup> states that the protections in Resolution M-4833 and M-4835 are sufficiently inclusive and all of the protections should be part of a “menu” of remedies that can be provided, as applicable, depending on the nature of the emergency.

---

<sup>48</sup> *Id.*

<sup>49</sup> SCE Comments on Assigned Commissioner and ALJ Ruling at 6.

<sup>50</sup> PG&E Comments on Scoping Memo and Ruling at 5.

<sup>51</sup> PG&E Workshop Comments at 4.

<sup>52</sup> Joint Consumer Workshop Comments at 35.

<sup>53</sup> Cal Advocates Preliminary Workshop Comments at 6.

<sup>54</sup> BVES OIR Comments at 5.

<sup>55</sup> BVES PHC Statement at 2.

<sup>56</sup> PacifiCorp Workshop Comments at 4.

SWG believes the protections in Resolutions M-4833 and M-4835 are sufficiently inclusive and supports applying the customer protections as a default measure.<sup>57</sup>

### **3.2.2. Conclusion**

We recognize the need for disaster preparedness and disaster relief as California experiences the harsh effects of climate change, which increases the probability and severity of disasters like wildfires. We adopt the customer protections from Resolutions M-4833 and M-4835 for electric and natural gas residential and small business customers. The customer protections are:

#### **Discontinue billing**

The utilities are directed to identify the premises of affected customers whose utility service has been disrupted or degraded, as we have defined here, and discontinue billing these premises without assessing a disconnection charge.

#### **Prorate any monthly access charge or minimum charges;**

The utilities are directed to prorate any monthly access charge or minimum charges for affected customers typically assessed so that no customer shall bear any of these costs for the time period after the customer's home and/or business was rendered unserviceable by the disaster. Additionally, the utilities are directed to recalibrate their approach for estimating energy usage to account for reduced consumption during the period of time the home/unit was unoccupied as a result of the disaster.

#### **Implement payment plan options for residential customers**

Payment plans are an important tool for preserving access to utility service for customers struggling to keep up with their bills. We believe that payment plans are an important tool for the victims of disasters and direct the utilities to

---

<sup>57</sup> SWG Workshop Comments at 4-5.

give victims payment plan options. Affected customers who have prior arrearages and have lost their homes or have been displaced, and are seeking to establish service in a new residence, shall be offered a payment plan with an initial payment of no greater than 20 percent of the amount due, and with equal installments for the remainder of not less than twelve billing cycles. For affected customers who currently have service but go into arrearage, the utilities shall offer a payment plan with an initial payment of no greater than 20 percent of the amount due, and with equal installments for the remainder of not less than eight billing cycles. A customer who is offered a payment plan shall not be precluded from paying off an arrearage more quickly. Interest on a balance shall not accrue.

**Suspend disconnection for non-payment and associated fees, waive deposit and late fee requirements for residential customers**

Utilities generally require some customers who pay bills late or are disconnected for non-payment to “re-establish” credit by paying a deposit, which can be up to twice the average monthly bill. Utilities may also assess late fees. These deposits to re-establish credit or the assessment of late fees could adversely impact the victims of disasters. Having access to essential utility services is critical for affected customers to regain stability. It is reasonable to anticipate that some customers may fall behind on utility payments as they bear the costs of rebuilding their homes. The rules adopted in this decision require utilities to suspend disconnection for non-payment and associated fees for affected customers.

In addition, utilities shall waive the deposit and late fee requirements for affected customers who pay their utility bills late. This waiver shall last for one year from the declared state of emergency. The utilities shall not report late

payments by residential customers who are eligible for these protections to credit reporting agencies or to other such credit or collection services. Interest on a balance shall not accrue.

**Support low-income residential customers**

To support low-income residential customers, the utilities are directed to:

- (a) freeze all standard and high-usage reviews for the California Alternate Rates for Energy (CARE) program eligibility in impacted customers until at least the end of the 12-month period in which these protections apply and potentially longer, as warranted;
- (b) contact all community outreach contractors, the community based organizations who assist in enrolling hard-to-reach low-income customers into CARE, to help better inform customers of these eligibility changes;
- (c) partner with the program administrator of the customer funded emergency assistance program for low-income customers and increase the assistance limit amount for affected customers during the 12 months in which these protections apply; and
- (e) indicate how the energy savings assistance program can be deployed to assist impacted customers. The emergency disaster protections for CARE (as well as for FERA) customers shall apply to CARE customers only in disaster impacted zip codes, which may include all zip codes in a county depending on circumstances.

We agree with SCE, and therefore, direct the utilities to temporarily suspend all CARE and FERA program removals to avoid unintentional loss of the discounted rate during the period for which the customer is protected under these customer protections. The utilities shall discontinue generating all recertification and verification requests that require customers to provide their current income information.

For continuity, we also include the additional requirements codified by the Legislature in Section 8386(c)(18). In this statute, the Legislature requires the utilities to: support customers by offering repair processing and timing assistance and timely access to utility customers.<sup>58</sup> We adopt Section 8386(c)(18) provisions as part of this program.

We also believe the Legislature intended these customer protections, as codified in Section 8386(c)(18), to reach all affected victims of disasters. For additional continuity, we direct the utilities to include these customer protections as part of their larger community outreach and public awareness plans under Section 8386(c)(16)(b).

We note that the intensity of disasters can vary and accordingly, affect utility customers differently and potentially for different amounts of time. The aim of this decision is to provide continuity and support to customers during times of crisis by establishing minimum disaster relief emergency protocols and protections to assist customers with recovery. To that end, the protections apply to the residents of a dwelling regardless of the name that appears on an account. Therefore, tenants who are not on the account and wish to relocate and re-establish utility service shall receive the customer protections extended in this rulemaking by self-identifying and stating that their residence was in a disaster area.

We support and encourage the utilities that are willing to do more. In other words, the utilities are not barred from implementing their own disaster assistance programs to augment these rules. That includes giving the utilities the discretion to apply or implement additional relief efforts that are unique to its customer experience, or to the specific type of damage resulting from a disaster,

---

<sup>58</sup> California Public Utilities Code Section 8386(c)(18).

or to apply relevant customer protections for customers indirectly affected by the disaster when fairness and equity require auxiliary efforts to supplement the rules set forth here. This aim is balanced against stakeholders' need for flexibility to offer supplemental support.

### **3.2.3. Coordination with Community Choice Aggregators**

In Resolution M-4833 and as applicable, Resolution M-4835, we directed the utilities to be aware of the many affected customers that take energy service from community choice aggregators (CCA). In this proceeding, we asked parties what coordination should occur between a utility and a CCA in a disaster situation.

#### **3.2.3.1. Position of Parties**

In response to the question presented, two parties took the following positions.

PG&E stated that pursuant to Resolution M-4833, it met and conferred with the appropriate CCAs to discuss roles and responsibilities regarding the implementation of the customer protections. PG&E believes that similar coordination efforts between utilities and CCAs should continue as appropriate in future disaster situations.<sup>59</sup> SCE stated that the Commission should encourage the CCAs to adopt similar policies and protections as set forth in this proceeding and that that the CCAs should have a plan in place for such disasters, consistent with the protections required for the electric utilities in this proceeding.<sup>60</sup>

#### **3.2.3.2. Conclusion**

In Resolution M-4833 and M-4835, the Commission directed the utilities to be mindful of the many affected customers that take energy from CCAs, as some

---

<sup>59</sup> PG&E Comments on Scoping Memo and Ruling at 6.

<sup>60</sup> SCE Comments on Scoping Memo and Ruling at 7.

actions such as service disconnection are provided by the utility for both bundled and CCA customers. Here, we direct the utilities to continue to coordinate with the CCAs in times of disasters. We agree with PG&E that coordination efforts between utilities and CCAs should continue as appropriate in future disaster situations.<sup>61</sup>

### **3.2.4. Cost Recovery**

Throughout this proceeding, we asked parties what cost-recovery mechanism should be adopted for electric and natural gas utilities will track costs associated with the customer protections. In our interim decision in this rulemaking, D.18-08-004, we directed the utilities to track emergency customer protection costs in Emergency Customer Protections Memorandum Accounts or Catastrophic Event Memorandum Accounts. In a subsequent ALJ Ruling, parties were asked whether the Commission expected to continue the use of these memorandum accounts.

#### **3.2.4.1. Position of Parties**

Generally, parties agree that the use of the Customer Protections Memorandum Account (ECPMA), or as applicable, the Catastrophic Memorandum Account (CEMA) should be used.

SDG&E and SoCalGas do not believe any additional tracking mechanisms are required beyond the ECPMA.<sup>62</sup> PG&E proposes to continue to use its ECPMA.<sup>63</sup> SWG supports the continued use of its ECPMA.<sup>64</sup> SCE supports continue use of its ECPMA to track costs associated with the emergency

---

<sup>61</sup> CPUC and CalOES Energy All-Party Workshop Transcript, November 5, 2018 at 318.

<sup>62</sup> SDG&E and SoCalGas Workshop Comments at 6.

<sup>63</sup> PG&E Workshop Comments at 8.

<sup>64</sup> SWG Workshop Comments at

customer protections, as defined in this proceeding.<sup>65</sup> PacifiCorp supports using the “current memorandum account process.”<sup>66</sup>

Cal Advocates prefers the ECMPA for tracking costs associated with the emergency protections.<sup>67</sup> Cal Advocates argues that the ECMPA should be reviewed when either an appropriate balance has been reached or in the utility’s next general rate case or similar proceeding.<sup>68</sup>

#### **3.2.4.2. Conclusion**

We agree with the parties that the continued use of the large investor owned utilities’ ECMPA is the appropriate mechanism to track costs associated with the emergency protections, including ongoing outreach and education costs. The SMJUs may continue to use their CEMA to track costs associated with the customer protections, including ongoing outreach and education. We agree with Cal Advocates that the utilities’ ECMPA should be reviewed in the utility’s next general rate case.

#### **3.2.5. Coordination with local, state, and federal agencies**

Through the course of this proceeding, we asked parties whether the Commission should require electric and gas utilities to provide information to other government entities at an aggregated level that cannot be used to identify a specific customer, to support providing assistance to only those affected by a disaster. In addition, the assigned ALJ’s ruling asked parties what information the electric and natural gas utilities should be mandated to provide CalOES and

---

<sup>65</sup> SCE Workshop Comments at 10.

<sup>66</sup> PacifiCorp Workshop Comments at 6.

<sup>67</sup> CPUC and CalOES Energy All-Party Workshop Transcript, November 5, 2018 at 295-296.

<sup>68</sup> Cal Advocates Workshop Comments at 8-9.

CalFIRE to ensure the government has the information necessary to carry out its mission.

### **3.2.5.1. Position of Parties**

SCE states that during emergencies, it provides CalOES data concerning the number of circuits impacted, number of customers with outages, estimated time of restoration (if available), and number of critical care customers impacted.<sup>69</sup> SCE describes that it works closely with first responders and emergency operations at the local levels.<sup>70</sup> SCE asserts that it cannot provide agencies with customer-specific data or data that can be used to identify an individual customer. At the same time, SCE explains that it provides information useful to other government agencies like the Department of Social Services (DSS) to other entities at an aggregated level that cannot be used to identify a specific customer in order to support providing assistance to only those affected by the disaster.<sup>71</sup> Specifically, SCE states it provided information to DSS that included the percentage of customers affected for four hours or more within a particular zip code.<sup>72</sup> Likewise, SDG&E and SoCalGas agree that only aggregated data should be shared between local, state, and federal agencies because of customer privacy concerns.<sup>73</sup> Furthermore, SDG&E and SoCalGas assert that this type of information sharing may need to be customized by agency, or by emergency type for situations in which it is working with CalFIRE or other agencies to identify customers.<sup>74</sup>

---

<sup>69</sup> SCE Response to ALJ Ruling at 2-3.

<sup>70</sup> *Id.*

<sup>71</sup> SCE Comments on Scoping Memo and Ruling at 7.

<sup>72</sup> SCE Comments on Scoping Memo and Ruling at 7.

<sup>73</sup> SDG&E and SoCalGas Comments on Scoping Memo and Ruling at 4.

<sup>74</sup> *Id.*

PG&E asserts that it fulfills numerous reporting obligations to various government agencies during emergencies.<sup>75</sup> PG&E states it provides the Commission and CalOES with specific data for major electric outages and emergencies as well as for reportable gas incidents. In addition, PG&E provides data and information to the Commission as well as the Department of Transportation (DOT).<sup>76</sup> PG&E states that upon request, it can provide information to CalFIRE and CalOES under feasible timeframes as long as the information request does not raise issues pertaining to customer privacy, critical infrastructure security, or other concerns.<sup>77</sup> PG&E states it already coordinates with the Federal Emergency Management Agency (FEMA), Department of Energy (DOE), and DOT as well as local governments.<sup>78</sup>

SWG states that the utilities should provide a map of the affected or potentially affected utility service territory and the approximate number of residential and non-residential customers affected, and whether service has been disrupted.<sup>79</sup> PacifiCorp echoes the concerns expressed by the other utilities about protection of confidential customer information, but states that it regularly works with CalFIRE and CalOES to carry out their mission.<sup>80</sup>

Joint Consumers recommend that the Commission require the utilities to identify a point of contact for inter-agency information sharing, be transparent about service availability, and provide estimated dates by which service will

---

<sup>75</sup> PG&E Response to ALJ Ruling at 1.

<sup>76</sup> *Id.* at 1-2.

<sup>77</sup> *Id.*

<sup>78</sup> *Id.* at 6.

<sup>79</sup> SWG Response to ALJ Ruling at 1.

<sup>80</sup> PacifiCorp Reply Comments to ALJ Ruling at 4.

fully be restored, as customers need this information in order to decide whether or when to return or find new accommodations.<sup>81</sup>

Cal Advocates states that electric and natural gas utilities should be mandated to provide CalOES and CalFIRE with any information relevant to the geographic area they cover.<sup>82</sup> Cal Advocates asserts that this includes, but is not limited to: (1) any fires observed by utility staff that might not have triggered action by CalOES and/or CalFIRE; (2) the occupation status of the dwellings in the area, including customers that may need special assistance such as medical baseline customers; (3) locations of powerlines that are still energized, as well as the locations of power lines that have been de-energized; (4) possible connection points for power lines that may be needed by CalOES and CalFIRE operations; (5) any underground structures that may be encountered during operations such as natural gas pipelines and undergrounded power lines; (6) any critical circuits that are in the area; and (7) any other data that CalOES and CalFIRE request.<sup>83</sup>

### **3.2.5.2. Conclusion**

During emergencies, first responders need to know where utility service has been affected or may create hazardous conditions. Coordination regarding utility service is important for local, state, and federal entities to target assistance and plan recovery. Therefore, we direct the electric and natural gas utilities, during a qualifying event, to collaborate with CalOES and CalFIRE to inform them with event-oriented data flow driven by the requests, which may include aggregated data related to their customers, from CalOES and CalFIRE to support

---

<sup>81</sup> *Id.*

<sup>82</sup> Cal Advocates Response To ALJ Ruling at 2.

<sup>83</sup> *Id.*

timely and appropriate actions to address public safety during a qualified event. This will aid CalOES and CalFIRE in carrying out their missions in statute.

Twelve months following a qualifying event, the utilities shall file a Tier 1 Advice Letter describing the collaborative engagement they had with CalOES and CalFIRE demonstrating information sharing that aided CalOES and CalFIRE to carry out their missions.

In R.18-12-005, we adopted de-energization (public safety power shut-off) guidelines. Nothing in this proceeding is intended to conflict or change the outcomes of R.18-12-005. Should we adopt additional guidelines or requirements in R.18-12-005, or in other proceedings, those too shall be adopted here.

### **3.2.6. Public Awareness of Customer Protections**

Time and again, disasters demonstrate how demographic and socio-economic factors exacerbate the impact of catastrophes. It is important to ensure that all utility customers are aware of these emergency customer protections before a disaster occurs so that during times of crises, customers have equal access to these protections. Throughout this proceeding, we asked whether the Commission should direct the utilities to develop proposals to maximize customer awareness regarding the availability of these disaster relief customer protections in specific emergency and disaster situations.

#### **3.2.6.1. Position of Parties**

Joint Consumers assert that customer education prior to disasters is vital because it can reach customers before the chaos of a natural disaster.<sup>84</sup> Joint Consumers argue that this education should be ongoing and continuous through

---

<sup>84</sup> Joint Consumers Response to ALJ Ruling at 18-19.

a robust outreach and education program that uses an array of communications strategies from a periodic announcement of the protections in bill inserts, emails, social media campaigns, in-language media announcements (including local radio), and coordinated campaigns with disaster relief organizations and local governments.<sup>85</sup>

During a disaster, Joint Consumers argue that Local Assistance Centers and organizations such as the Red Cross and 211 should have materials on hand to help educate customers about the emergency disaster customer protections.<sup>86</sup> Joint Consumers also assert that targeted efforts to vulnerable populations should be advanced, with easy-to-read descriptions of the emergency disaster customer protections, in appropriate languages and accessible formats for customers with disabilities.<sup>87</sup> SDG&E and SoCalGas assert they will communicate the availability of emergency customer protections to customers in the impacted portion of the service territory using one or more communication channels that may include (but are not limited to) community outreach, webpages, outbound emails, media advisories, social media posts, outbound dialing, and SMS text messaging.<sup>88</sup> SDG&E states that Community Outreach may assist other Command Centers to provide customers impacted by the disaster with information regarding service interruptions, restoration efforts, along with relief support.<sup>89</sup> SDG&E and SoCalGas note that communications channels employed by the utilities will be determined by various factors

---

<sup>85</sup> *Id.*

<sup>86</sup> *Id.*

<sup>87</sup> *Id.*

<sup>88</sup> SDG&E and SoCalGas Response to ALJ Ruling at 8.

<sup>89</sup> *Id.*

including size of impacted area, location, access authorization controlled by local agencies, number of impacted residents, types of structures, and remaining infrastructure.<sup>90</sup> For SoCalGas, customers will be directed to SoCalGas' Customer Contact Center and to its website for further assistance.<sup>91</sup> SoCalGas states that a complete explanation of the protections available will be located on SoCalGas' website.<sup>92</sup> For SDG&E, information for customers will be available on the website, through contact centers, and through community outreach centers if they are activated.<sup>93</sup> SDG&E will also direct customers to call the Customer Contact Center or its website.<sup>94</sup>

PG&E states that it uses several communications channels during a declared state of emergency to inform customers about the emergency customer protections.<sup>95</sup> PG&E states it uses: (1) direct mail; (2) a dedicated web-page; (3) call center support; (4) social media; (5) newsletters; (6) press releases; (7) targeted outreach to highly impacted customers; (8) mobile customer help centers; (9) city/county assistance centers; and (10) local customer service offices.<sup>96</sup> For vulnerable, hard to reach, and persons with disabilities, PG&E states it uses items (7)-(10), as stated above.<sup>97</sup>

---

<sup>90</sup> *Id.*

<sup>91</sup> *Id.*

<sup>92</sup> *Id.*

<sup>93</sup> *Id.*

<sup>94</sup> *Id.*

<sup>95</sup> PG&E Response to ALJ Ruling at 10.

<sup>96</sup> *Id.*

<sup>97</sup> *Id.*

For its part, SCE states it uses a combination of methods to reach customers during and following wildfire events.<sup>98</sup> SCE uses: (1) a dedicated 1-800 number with trained resources to help impacted customers; (2) homepage alerts on SCE.com; (3) targeted, paid social media campaigns; (4) trained staff at local assistance centers to work in-person with impacted customers and advertisements on city/county websites; (5) websites; and (6) outreach to partnering community-based organizations that serve income-eligible customers to ensure awareness of available customer protections.<sup>99</sup>

PacifiCorp states that when its customers are directly impacted by a natural disaster, the company compiles a list of directly affected customers and reaches out to each customer by mail or by phone.<sup>100</sup>

SWG states it conveys natural gas outage notifications and other emergency information to customers, including outage maps and information on the status of service reconnections, through its website, disseminates similar information through its social media outlets, outbound calling and text messages, and deploys customer care teams consisting of company personnel to the area of an outage to provide information and updates to customers face to face.<sup>101</sup>

Finally, Cal Advocates states it supports the efforts of the electric and natural gas utilities to bring awareness to customers of protections available to them in the event of a disaster.<sup>102</sup> Cal Advocates recommends that the utilities should issue a newsletter sent to all customers via United States mail and e-mail

---

<sup>98</sup> SCE Response to ALJ Ruling at 10.

<sup>99</sup> *Id.* at 11-12.

<sup>100</sup> PacifiCorp Response to ALJ Ruling at 6.

<sup>101</sup> SWG Comments to ALJ Ruling at 7.

<sup>102</sup> Cal Advocates Reply Comments to ALJ Ruling at 6.

that outlines the numerous protections offered to customers after an emergency has been declared.<sup>103</sup>

### **3.2.6.2. Conclusion**

Raising awareness about the existence of the emergency customer protections before a disaster occurs is vital, so that when disasters do occur, customers are prepared. Generally, parties agree on the existing outreach the utilities are conducting to raise awareness of these emergency customer protections. From the current set of outreach activities, we establish a baseline set of required outreach and education activities to ensure each utility's plan is robust to reach affected customers. Therefore, we direct the utilities to conduct the following, at minimum, ongoing and continuous outreach to utility customers that clearly communicate the emergency customer protections:

- Community outreach;
- Webpages;
- Outbound emails;
- Media advisories;
- Social media posts;
- Outbound dialing;
- Customer Contact Centers to provide customers impacted by the disaster information regarding service interruptions, restoration efforts, along with relief support;
- Community outreach centers;
- Local governments;
- Targeted outreach to highly impacted customers;
  - Direct mail;
  - Newsletters;

---

<sup>103</sup> *Id.*

- City/County assistance centers;
- Trained staff at local assistance centers to work in-person with affected customers; and
- Partnering with community-based organizations that serve income eligible customers to ensure awareness of available customer protections.
- Communicate customer protections in accessible formats for customers with disabilities impacting their ability to use standard forms of communications.

The utilities shall begin conducting this outreach upon the effective date of this decision. The utilities have the ability and flexibility to utilize various means to create a mix of tactics used at strategic times to reach customers and aid them in their understanding of these programs. As a result, the utilities are required to clearly communicate the timelines of the customer protections to their customers.

The utilities are not barred from implementing more customer outreach programs to increase awareness about the emergency customer protections. We encourage and support their efforts to raise maximum awareness about the customer protections before a disaster occurs so customers are prepared should tragedy strike.

In R.18-10-007, the utilities are required to communicate these customer protections in specific languages pursuant to Public Utilities Code Section 8386(c)(16)(B). Specifically, Public Utilities Code Section 8386(c)(16)(B) mandates that the electric utilities' plan for community outreach and public awareness before, during, and after a wildfire be communicated in English, Spanish, and the top three primary languages used in the state other than English or Spanish, as determined by the Commission based on the United States Census data. For continuity and consistency with the decisions in R.18-10-007, and taking official notice of United States Census data pursuant to Rule 13.9 of

the Commission's Rules of Practice and Procedure, the Commission determines that the following languages are the three most common languages used in the state other than English or Spanish: Chinese (including Cantonese, Mandarin and other Chinese languages), Tagalog, and Vietnamese. In addition to those languages, the utilities should provide outreach in Korean and Russian where those languages are prevalent within the utilities' service territories. While we acknowledge that these language requirements only applied to the electric utilities in R.18-10-007, we intend for these customer protections to reach all customers to raise awareness about the existence of the emergency customer protections before a disaster so that when disasters do occur, customers are prepared.

The electric and gas utilities shall communicate these customer protections as part of their plan for community outreach and public awareness before, during, and after a wildfire in the above languages.

Finally, should we adopt additional language outreach requirements in other proceedings, including adding less prevalent languages, those too shall be adopted here.

### **3.2.7. Action Taken Post-Disaster**

In the assigned Administrative Law Judge's (ALJ's) ruling, parties were asked what compliance reporting should occur notifying the Commission of the implementation of the emergency customer protections and what final reporting the Commission should require of the utilities.

#### **3.2.7.1. Position of Parties**

Generally, parties agree that a Tier 1 Advice Letter is appropriate for compliance reporting purposes.

SCE recommends the use of the initial Tier 1 Advice Letter as the only filing necessary for purposes of compliance reporting. SCE supports a Tier 1 Advice Letter filing submitted 30 days after a disaster ends (SCE defines end of disaster as one year from the date of a state or federal disaster proclamation) if the Commission requires additional reporting from the utilities.<sup>104</sup> If there is more than one disaster declaration within a two- week period, SCE recommends a single Advice Letter filing consolidating the data for all disasters for those two weeks.<sup>105</sup> A consolidated Advice Letter would be due 30 days after the end of the last disaster.<sup>106</sup>

Similarly, SDG&E and SoCalGas believe the compliance filing notifying the Commission of the implementation of the emergency customer protections is sufficient.<sup>107</sup> SWG suggests the filing of a Tier 1 Advice Letter, including data regarding service restoration and the number of customers affected by the disaster.<sup>108</sup> SWG recommends the Advice Letter should be filed within 30 days of the expiration of the 12 month period during which the customer protections are effective.<sup>109</sup>

For its part, PG&E recommends that the Commission consider adopting a reporting structure similar to how utilities report on catastrophic events that meet the triggering criteria for the CEMA.<sup>110</sup> PG&E states that the utilities currently file a Tier 1 advice letter within 15 days to notify the Commission of the

---

<sup>104</sup> SCE Comments to ALJ Ruling at 11.

<sup>105</sup> *Id.*

<sup>106</sup> *Id.*

<sup>107</sup> SDG&E Comments to ALJ Ruling at 7.

<sup>108</sup> SWG Comments to ALJ Ruling at 7.

<sup>109</sup> *Id.*

<sup>110</sup> PG&E Comments to ALJ Ruling at 10

implementation of the emergency customer protections.<sup>111</sup> As a supplement to this 15-day Tier 1 advice letter, PG&E recommends that after the conclusion of the customer protection period, utilities provide detailed information to the Commission regarding the offered protections, outreach efforts, customer impacts, and associated cost information as part of the cost recovery application for the customer protections implemented.<sup>112</sup>

PacifiCorp has no objection to reporting requirements but has “concerns that any bright line rules regarding timing may not align with the timing of restoration, depending on the extent of and circumstance surrounding the disaster.”<sup>113</sup>

Joint Consumers support requiring energy utilities to file a Tier 1 Advice letter no later than 12 months after the qualifying event (or a short time after that deadline to allow for administration, *e.g.*, 30 days after 12 months from the qualifying event).<sup>114</sup> Among other contents for the Tier 1 Advice Letter, Joint Consumers recommends that the compliance filing should also include information such as the number of consumers that received each of the available protections over the course of the year.<sup>115</sup> Joint Consumers also recommend that this compliance filing include a report on the utility’s outreach/education and communications strategy.<sup>116</sup>

Cal Advocates recommend that the utilities should be required to file an annual compliance filing recapping the year’s events. The compliance filing

---

<sup>111</sup> *Id.*

<sup>112</sup> *Id.*

<sup>113</sup> PacifiCorp Comments to ALJ Ruling at 6.

<sup>114</sup> Joint Consumers Response to ALJ Ruling at 28.

<sup>115</sup> *Id.* at 29.

<sup>116</sup> *Id.*

would be due on the 31<sup>st</sup> of January and describe the events that triggered emergency disaster relief programs, the outreach and usage of the disaster relief programs by utility customers, and the costs recorded in the ECPMA subject to review for rate recovery.<sup>117</sup>

### **3.2.7.2. Conclusion**

We agree that the use of a Tier 1 Advice Letter notifying the Commission of the implementation of the emergency customer protections is appropriate. The utilities are directed to file the Tier 1 Advice Letter within 15 days notifying the Commission of their implementation of the emergency customer protections. After the conclusion of the disaster or at the default, 12-month conclusion of the customer protection period, the utilities shall file another Tier 1 Advice Letter detailing the protections offered, outreach efforts, and customer impacts. As part of the utilities' cost recovery application, the utilities shall include the information pertaining to the protections offered, outreach efforts, customer impacts, and basic metrics such as the number of consumers that received each of the available protections over the course of the year, as well as the associated cost. We recognize that that certain data, including number of customers and cost, may be a forecast or contain forecast components.

### **3.3. Action Taken During Disaster for Water and Sewer Customers**

As with a disaster affecting energy service, a disaster affecting water or sewer service should trigger emergency disaster relief measures for customers. In the Scoping Memo and at the Workshop, we asked parties whether the Commission should adopt the customer protections from Resolutions M-4833 and M-4835 for water and sewer customers, with or without modification.

---

<sup>117</sup> Cal Advocates Response to ALJ Ruling at 5.

### 3.3.1. Position of Parties

CWA suggests that the Commission's permanent disaster relief program preserve utility discretion to provide customers with relief tailored to the emergency at hand – in terms of the protections available, the time period for which one or more protections are available, and customer eligibility for those protections.<sup>118</sup> Furthermore, CWA argues that the protections adopted in Resolution M-4833 are specific to the subject matter of the resolution (*e.g.*, wildfires), and as a result, the protections need to be revised to reflect the broader scope of the proceeding and specify that the utilities are not barred from offering additional relief.<sup>119</sup>

Joint Consumers disagree. They state that consumer protections should not be left to the discretion of the utilities and urge the Commission to ensure that there is a baseline of protection that will be provided by all regulated utilities and applied to all customers within the disaster zone or affected by the disaster.<sup>120</sup> Joint Consumers argue that disaster relief measures left up to utility discretion may be insufficient to protect customers, and customer education about the availability of support in case of an emergency is not possible without an established baseline of protections.

Additionally, Joint Consumers assert that the protections provided for water utility customers in Resolution M-4833 are a reasonable baseline for consumer protection, and should all be adopted by the Commission.<sup>121</sup> Joint Consumers also recommends that that bill waivers should be applicable for those

---

<sup>118</sup> CWA Workshop Comments at 5-6.

<sup>119</sup> *Id.*

<sup>120</sup> Joint Consumer Workshop Comments at 23-24.

<sup>121</sup> *Id.*

who lost their homes, and if a home is uninhabitable for some amount of time (for example, because of a mandatory evacuation or damage that does not result in a total loss of the structure), this provision should authorize a pro rata waiver of any fixed element of a water bill for the time that the home is uninhabitable, even if the reason for it being uninhabitable is not loss of water service.<sup>122</sup>

For its part, Cal Advocates states that the Commission should collect data over the next year and assess whether the protections adopted in Resolution M-4833 are achieving their intended effects.<sup>123</sup> Cal Advocates recommends that the Commission adopt all of the customer protections adopted in Resolution M-4835.<sup>124</sup>

### **3.3.2. Conclusion**

The Commission recognizes the need for disaster relief action as California experiences the harsh effects of climate change, which increases the probability and severity of disasters like wildfires. Water utilities shall take the following actions and implement the customer protections from Resolutions M-4833:

1. Activation of their CEMA;
2. Initiation of insurance claims on all costs and expenses incurred as a result of the fires, with insurance payments credited to their CEMA;
3. Work cooperatively with affected customers to resolve unpaid bills, and minimize disconnections for non-payment;
4. Waive reconnection or facilities fees for affected customers and suspend deposits for affected customers who must reconnect to the system;

---

<sup>122</sup> *Id.*

<sup>123</sup> Cal Advocates Workshop Comments at 6.

<sup>124</sup> *Id.*

5. Provide reasonable payment options to affected customers;
6. Waive bills for victims who lost their homes or if their homes are rendered uninhabitable; and
7. Authorize a pro rata waiver of any fixed element of a water bill for the time that a home is uninhabitable, even if the reason for it being uninhabitable is not loss of water service.

We reiterate that we are aware that the intensity of disasters can vary, and accordingly, may affect utility customers differently and for varying amounts of time. The aim of this decision is to provide continuity and support to customers during times of crisis by establishing interim, minimum disaster relief emergency protocols and protections to assist customers with recovery from harm. To that end, the protections apply to the residents of a dwelling regardless of the name that appears on an account. Therefore, tenants who are not on the account and wish to relocate and re-establish utility service shall receive the customer protections extended in this rulemaking by self-identifying and stating that their residence was in a disaster area. This applies to utility customers who are relocating and/or seeking to re-establish utility service.

We support and encourage the utilities that are willing to do more. In other words, the utilities are not barred from implementing their own disaster assistance programs to augment these rules. That includes giving the utilities the discretion to apply or implement additional relief efforts that are unique to their own customer experience, the specific type of damage resulting from a disaster, or to apply applicable customer protections for customers indirectly affected by the disaster when fairness and equity require auxiliary efforts to supplement the rules set forth here. This aim is balanced against stakeholders' need for flexibility to offer supplemental support.

### **3.4. Cost Recovery Mechanism**

In the Scoping Memo and at the Workshop, we asked parties what cost-recovery mechanism should be approved to allow water and sewer utilities to track and potentially recover costs associated with the customer protections adopted in the proceeding. In our interim decision in this rulemaking, D.18-08-004, we directed the utilities to track emergency customer protection costs in their Catastrophic Event Memorandum Account. In a subsequent ALJ Ruling, parties were asked whether the Commission should continue the use of this memorandum account.

#### **3.4.1. Position of Parties**

According to CWA, the existing memorandum accounts sufficiently serve the purpose of tracking expenses related to disaster response and CWA sees no reason to create a new cost-recovery mechanism.<sup>125</sup> CWA also requests that costs for consumer protection activities should be recovered across each utility's entire customer base.<sup>126</sup> Finally, CWA requests that in order to account for the possibility that revisions to a water utility's tariffs might be required to reflect the Commission's adoption of a permanent disaster relief program, the Commission should authorize the water utilities to make any necessary tariff changes in accordance with the advice letter procedures prescribed by GO 96-B.<sup>127</sup>

Joint Consumers state they have no objection to the continued use of the existing memorandum accounts and do not suggest another cost tracking mechanism.<sup>128</sup> At the Public Workshop, Joint Consumers state they "support

---

<sup>125</sup> CWA Workshop Comments at 10.

<sup>126</sup> *Id.*

<sup>127</sup> *Id.*

<sup>128</sup> Water and Sewer Public Workshop - Joint Consumers at 31.

cost spreading to the extent we recognize that many of the utilities in this case have a small customer bases. As long as it is done carefully, and that no one is disproportionately impacted, we are definitely in support of that.”<sup>129</sup>

Cal Advocates argues that the utilities should use the ECPMA rather than their CEMA.<sup>130</sup> At the Public Workshop, Cal Advocates also stated its support for spreading costs across each utility’s entire customer base.<sup>131</sup>

### **3.4.2. Conclusion**

In Resolution M-4833, we directed the water and sewer utilities to track costs of lost revenues and the emergency customer protections in the appropriate CEMA account. Here, we affirm that cost-recovery mechanism. We grant CWA’s request that costs for emergency customer protection activities should be recovered across each utility’s entire customer base. Finally, this decision grants CWA’s request that the water utilities may make any necessary tariff changes in accordance with the advice letter procedures prescribed by GO 96-B.

### **3.5. Coordination with local, state, and federal agencies**

In the assigned ALJ’s ruling, parties were asked whether the Commission should require the water and sewer utilities to provide information to other government entities and what information the water and sewer utilities should be mandated to provide CalOES and CalFIRE to ensure the government has the information necessary to carry out its mission.

#### **3.5.1. Position of Parties**

In response to the questions presented above, CWA suggested that because of the many incident-specific dynamics and the great diversity among

---

<sup>129</sup> Water and Sewer Public Workshop at 395.

<sup>130</sup> Cal Advocates Workshop Comments at 9.

<sup>131</sup> Water and Sewer Public Workshop at 396.

water utilities regulated by the Commission, creating a standardized set of Commission-approved, communications-specific protocols across this proceeding's respondent utilities is not likely to improve the effectiveness of utility preparedness and response.<sup>132</sup> CWA further states that engaging with the incident command center or emergency operations center established as the locus of emergency response is one of the best ways to facilitate effective communication.<sup>133</sup> CWA adds that water utilities communicate with other affected entities during an emergency through CalWARN Water Sector Specific Position (WSSP) as well as through the California Utility Emergency Association (CUEA), which coordinates with CalOES and CalFIRE.<sup>134</sup>

Joint Consumers took issue with CWA's response. Joint Consumers state that CWA's response shows "little effort to affirmatively evaluate the effectiveness of information sharing with emergency responders such as CalOES and CalFIRE."<sup>135</sup> Joint Consumers argue that rather than placing the burden on CalOES and CalFIRE, Joint Consumers recommend that the Commission direct the water utilities to seek meetings with representatives from CalOES and CalFIRE in the appropriate geographic region, as well as other local emergency responders, to collaborate on whether there could be improvements in information exchanges in advance of and/or during emergencies, and how such improvements could be implemented.<sup>136</sup>

---

<sup>132</sup> CWA Response to ALJ Ruling at 1-3.

<sup>133</sup> *Id.*

<sup>134</sup> *Id.*

<sup>135</sup> Joint Consumers Reply Comments to ALJ Ruling at 35.

<sup>136</sup> *Id.*

### **3.5.2. Conclusion**

As we previously stated, during emergencies, responders need to know where utility service is affected or may create hazardous conditions.

Coordination regarding utility service is important for local, state, and federal entities to target assistance and plan recovery. Therefore, we direct the water and sewer utilities, during a qualifying event, to collaborate with CalOES and CalFIRE to inform them with event-oriented data flow driven by the requests, which may include aggregated data related to their customers, from CalOES and CalFIRE to support timely and appropriate actions to address public safety during a qualified event. This will aid CalOES and CalFIRE in carrying out their missions in statute. Further, the water and sewer utilities should continue to follow all protocols outlined in GO 103-A, particularly with regard to reporting of water outages to relevant state and federal agencies.

Twelve months following a qualifying event, the utilities shall file a Tier 1 Advice Letter documenting the collaborative engagement they had with CalOES and CalFIRE demonstrating information sharing that aided CalOES and CalFIRE to carry out their missions.

### **3.6. Public Awareness of Customer Protections**

As stated above, experience shows that some customers, such as those who are poor or live in rural areas, have relatively less access to information regarding emergency preparedness. It is important to ensure that all utility customers are aware of these emergency customer protections before a disaster occurs so that during times of crises, customers have equal access to these protections. In our scoping memo, we asked whether the Commission should direct the utilities to develop proposals to maximize customer awareness

regarding the availability of these disaster relief customer protections in specific emergency and disaster situations.

### **3.6.1. Position of Parties**

CWA recommends that a final Commission decision in this proceeding should direct the water utilities to engage in customer education regarding the emergency protections available to customers, provide a set of best practices as guidance for utility communications with customers and require, as part of a Tier 1 advice letter filing made after a triggering event, the affected water utilities to report on outreach and customer communications efforts implemented to convey the availability of customer protections to those impacted.<sup>137</sup> CWA posits that examples of best practices may include: (a) communicating the availability of customer protections to all of a utility's customers through a website; (b) sending an annual bill insert timed to coincide with the summer start of the "traditional" fire season; (c) direct mailings to customers identified by a utility as having been affected by an emergency event; and (d) outreach with social service agencies assisting disaster victims.<sup>138</sup> CWA states written communications should be provided in accordance with applicable Commission requirements regarding non-English language communities.<sup>139</sup>

Joint Consumers assert that it is important to create clear lines of utility communication with customers to ensure that customers have the necessary information regarding the availability of disaster relief protections.<sup>140</sup> Joint Consumers continue to support the creation of generally applicable rules that

---

<sup>137</sup> CWA Response to ALJ Ruling at 9.

<sup>138</sup> *Id.*

<sup>139</sup> *Id.*

<sup>140</sup> Joint Consumers Reply Comments to ALJ Ruling at 50.

will maximize customer awareness, particularly for vulnerable populations and those who are affected but are not customers of record.<sup>141</sup>

### **3.6.2. Conclusion**

As we stated above, raising awareness for Commission regulated water and sewer customers about the existence of the emergency customer protections before a disaster occurs is vital, so that when disasters do occur, customers are prepared. Here, we establish a baseline set of required outreach and education activities to ensure each utility's plan is robust to reach affected customers. Therefore, we direct the utilities to conduct the following ongoing and continuous outreach to utility customers, at minimum, to clearly communicate the emergency customer protections that will be part of the water and sewer utilities Tier 1 advice letter filing made after a triggering event:

- Community outreach;
- Webpages;
- Outbound emails;
- Media advisories;
- Social media posts;
- Outbound dialing;
- Customer Contact Centers to provide customers impacted by the disaster information regarding service interruptions, restoration efforts, and relief support;
- Community outreach centers;
- Local governments;
- Targeted outreach to highly impacted customers;
- Direct mail;
- Newsletters;

---

<sup>141</sup> *Id.*

- City/County assistance centers;
- Trained staff at local assistance centers to work in-person with impacted customers; and
- Partnering with community-based organizations that serve-income eligible customers to ensure awareness of available customer protections.

The water and sewer utilities shall begin conducting this outreach upon the effective date of this decision.

The water and sewer utilities are not barred from implementing more customer outreach programs to increase awareness about the emergency customer protections. We encourage and support their efforts to raise maximum awareness about the customer protections before a disaster occurs so customers are prepared should tragedy strike.

Consistent with the electric and natural gas utilities, the water and sewer utilities are required to communicate these customer protections in specific languages before, during, and after a wildfire. That means that these protections shall be communicated in English, Spanish, and the top three primary languages used in the state other than English or Spanish, as determined by the Commission based on the United States Census data. Taking official notice of United States Census data pursuant to Rule 13.9 of the Commission's Rules of Practice and Procedure, the Commission determines that the following languages are the three most common languages used in the state other than English or Spanish: Chinese (including Cantonese, Mandarin and other Chinese languages), Tagalog, and Vietnamese. In addition to those languages, the utilities should provide outreach in Korean and Russian. The water and sewer utilities shall communicate these customer protections as part of their plan for

community outreach and public awareness before, during, and after a wildfire in the above languages.

Finally, should we adopt additional language outreach requirements in other proceedings, including adding less prevalent languages, those too shall be adopted here.

### **3.7. Action Taken After Disaster**

In the assigned ALJ's ruling, parties were asked what compliance reporting should occur notifying the Commission of the implementation of the emergency customer protections and what final reporting the Commission should require of the utilities.

#### **3.7.1. Position of Parties**

CWA does not recommend that the Commission require a compliance filing be made by each affected utility "after the qualifying event." CWA believes that the Commission would receive more meaningful feedback if a final decision in this proceeding directed Water Division to send data requests tailored to a specific disaster event, soliciting the feedback it wants from affected utilities.

Joint Consumers disagree with CWA, and urge the Commission to require utilities to file a Tier 1 Advice Letter no later than 12 months after the qualifying event, or within 30 days of the restoration, that confirms service has been restored.<sup>142</sup> Joint Consumers emphasize that uniformity of protections is extremely important in this proceeding, and compliance filings will ensure that protections are being implemented by each utility in an appropriate manner.<sup>143</sup> Joint Consumers argue that Water Division should not be given the burden to confirm utility compliance after every disaster except to follow up with those

---

<sup>142</sup> Joint Consumers Reply Comments to ALJ Ruling at 45.

<sup>143</sup> *Id.*

utilities that do not submit their compliance filing.<sup>144</sup> Joint Consumers recommend that compliance filings should include: (1) a description of the disaster; (2) how the utility responded; (3) lessons learned, as well as basic metrics such as the number of customers receiving protections throughout the year; and (4) a report on outreach/education and communications.<sup>145</sup>

### **3.7.2. Conclusion**

The use of a Tier 1 Advice Letter notifying the Commission of the implementation of the emergency customer protections is appropriate. The utilities are directed to file the Tier 1 Advice Letter within 15 days notifying the Commission of its implementation of the emergency customer protections. After the conclusion of the disaster or at the default, 12-month conclusion of the customer protection period, the utilities shall file another Tier 1 Advice Letter detailing the protections offered, outreach efforts, and customer impacts. As part of the utilities' cost recovery application, the utilities shall include the information pertaining to the protections offered, outreach efforts, customer impacts, and basic metrics such as the number of consumers that received each of the available protections over the course of the year, as well as the associated cost.

## **4. Comments on Proposed Decision**

The proposed decision of Commissioner Michael Picker 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 June 27, 2019 by SCE, PG&E,

---

<sup>144</sup> *Id.*

<sup>145</sup> *Id.*

SDG&E and SoCalGas, PacifiCorp, CWA, and Joint Consumers. This decision has been revised based on comments, where appropriate.

In its comments, CWA argued for a mechanism to track costs of the outreach and implementation of the emergency disaster relief program. We decline to establish such a mechanism here because these costs and/or expenses may be reviewed during the general rate case. However, if such costs are significant between the general rate case cycles, the utilities may file a Tier III advice letter with the Commission's Water Division for memorandum account review.

## **5. Assignment of Proceeding**

Michael Picker is the assigned Commissioner and Colin Rizzo is the assigned ALJ in this proceeding.

## **Findings of Fact**

1. On October 8, 2017, multiple wildfires broke out throughout Northern California.
2. On October 9 and 10, 2017, Governor Edmund G. Brown, Jr., declared states of emergency in the Counties of Butte, Lake, Mendocino, Napa, Nevada, Orange, Solano, Sonoma, and Yuba due to fires.
3. In 2017, the Commission required California's regulated electric, natural gas, water, and sewer utilities to offer specific customer protections for those affected by the 2017 wildfires in Resolutions M-4833 and M-4835.
4. Resolution M-4833 and M-4835 offered the following customer protections for electric and natural gas customers affected by the 2017 wildfires: (1) waiver of deposit requirements for residents seeking to re-establish service for one year and expedite move-in and move-out service requests; (2) stop estimated energy usage for billing attributed to the time period when the home/unit was

unoccupied as a result of the wildfires; (3) create payment plan options; (4) suspend disconnection for non-payment and associated fees, waiver of deposit and late fee requirements; and (5) provide support for low-income customers.

5. Resolution M-4833 offered the following protections for water and sewer customers affected by the 2017 wildfires: (1) waiver of deposit requirements for residents seeking to re-establish service for one year and expedite move-in and move-out service requests; ; (2) create payment plan options; (3) suspend disconnection for non-payment and associated fees, waiver of deposit and late fee requirements; and (4) provide support for low-income customers.

6. In 2018, a series of gubernatorial states of emergency were declared as a result of wildfires in the Counties of Lake, Siskiyou, San Diego, Santa Barbara, Riverside, Shasta, Mariposa, Mendocino, Napa, Butte, Los Angeles, Ventura, and Colusa.

7. On August 9, 2018, the Commission issued an interim decision, D.18-08-004, affirming the provisions of Resolutions M-4833 and M-4835 as interim disaster relief emergency customer protections for utility customers.

8. United States Census data show that the top three primary languages used in California other than English and Spanish are Chinese (including Cantonese, Mandarin and other Chinese languages), Tagalog, and Vietnamese.

### **Conclusions of Law**

1. The electric and gas corporations under this Commission's jurisdiction that are covered under this Decision are: (1) Pacific Gas & Electric Company; (2) Southern California Edison Company; (3) San Diego Gas and Electric Company; (4) Southern California Gas Company; (5) PacifiCorp; (6) Liberty Utilities (CalPECO Electric) LLC; (7) Bear Valley Electric Service (a division of

Golden State Water Company); (8) Southwest Gas Corporation; (9) Alpine Natural Gas, Inc.; (10) West Coast Gas Company, Inc.; and (11) Catalina Island Gas Services.

2. The water and sewer corporations under this Commission's jurisdiction that are covered under this Decision are: all Class-A water utilities (California Water Service Company, California American Water Company, Golden State Water Company, Great Oaks Water Company, Liberty Utilities (Apple Valley Ranchos Water, and Park Water), San Jose Water Company, San Gabriel Valley Water Company, and Suburban Water Systems; and all Class-B water utilities (Fruitridge Vista Water Company, Bakman Water Company, Del Oro Water Company, East Pasadena Water Company, Santa Catalina Island Water (a division of Southern California Edison Company), and Alco Water Service).

3. It is reasonable to require the electric and natural gas utilities, as identified in Conclusion of Law 1, and the water, and sewer utilities, as identified in Conclusion of Law 2, to provide emergency customer protections when the governor of California or the president of the United States declares a state of emergency where the state of emergency has disrupted the delivery or receipt of utility service and/or the degradation of the quality of utility service to utility residential and small business<sup>146</sup> customers.

4. It is reasonable to define, for the electric and natural gas utilities as identified in Conclusion of Law 1, disruption of the delivery or receipt of utility service as when a disaster(s) has resulted in the destruction or damage of a structure, such that utility service is disrupted voluntarily or involuntarily due to

---

<sup>146</sup> For the purposes of this decision, "small business" shall be defined in accordance to the utilities definition of "small business" in their rules and tariffs.

safety concerns or reconstruction activities to address the damage from a proclaimed state of emergency event.

5. It is reasonable to define, for the electric and natural gas utilities as identified in Conclusion of Law 1, degradation of energy utility service as reduced service quality that would result in inadequate power and any service that does not meet service requirements of the utility's applicable tariffs.

6. It is reasonable to define, for the water and sewer utilities as identified in Conclusion of Law 2, that "delivery or receipt" of water utility service should be considered "disrupted" when a disaster(s): that is the subject of a qualifying emergency proclamation results in a temporary or permanent interruption in the customer's receipt of, or ability to benefit from, utility service at the service address. Disruption may occur, but is not limited to, when a disaster(s) has resulted in the destruction of, or damage to, either a structure where a customer receives utility service or the utility's infrastructure or equipment that delivers service, such that utility service is disrupted voluntarily or involuntarily due to safety concerns or reconstruction activities to address the damage from a declared state of emergency event, including but not limited to evacuation orders prohibiting customers from returning to their home and/or business .

7. It is reasonable to define, for the water and sewer utilities as identified in Conclusion of Law 2, "quality of utility service" as "degraded" when a disaster has affected water quality or delivery such that a customer's usage must change.

8. It is reasonable to exempt a state of emergency for drought conditions from this Decision.

9. It is reasonable to require the electric and natural gas utilities, as identified in Conclusion of Law 1, and the water, and sewer utilities, as identified in Conclusion of Law 2, to provide the mandated customer protections to

residential and small business customers upon the commencement of the governor of California or president of the United States' state of emergency declaration.

10. It is reasonable to require the electric and natural gas utilities, as identified in Conclusion of Law 1, and the water, and sewer utilities, as identified in Conclusion of Law 2, to conclude the administration of the mandated customer protections no sooner than twelve (12) months from the date of the emergency proclamation or as appropriately determined by the Governor's Office of Emergency Services and to affirmatively communicate with customers throughout the duration of the protection period about the timeline of protections

11. It is reasonable to allow the electric and natural gas utilities, as identified in Conclusion of Law 1, and the water, and sewer utilities, as identified in Conclusion of Law 2, to request an extension via a Tier 1 Advice Letter beyond the twelve (12) month time period from the date of the emergency proclamation, to provide the mandated emergency customer protections to those who still need assistance, and to affirmatively communicate with customers regarding any changes in the timeline of protections

12. It is reasonable not to adopt specific targets for gas service reconnection times due to safety considerations.

13. It is reasonable to grant the mandated customer protections to all electric, natural gas, water, and sewer utility residential and small business customers who are in an area declared under a state of emergency by the governor of California and/or the president of the United States where the state of emergency has disrupted the delivery or receipt of utility service and/or the

degradation of the quality of utility service to utility residential and small business customers.

14. It is reasonable to require the electric and natural gas corporations, as identified in Conclusion of Law 1, to file a Tier 1 advice letter with the Commission's Energy Division within 15 days of a governor's state of emergency declaration or a presidential state of emergency proclamation demonstrating implementation of the mandatory emergency disaster relief customer protections: (1) waive deposit requirements for affected residential customers seeking to reestablish service for one year and expedite move in and move out service requests; (2) stop estimated usage for billing attributed to the time period when the home/unit was unoccupied as result of the emergency; (3) discontinue billing; (4) prorate any monthly access charge or minimum charges; (5) implement payment plan options for residential customers; (6) suspend disconnection for nonpayment and associated fees, waive deposit and late fee requirements for residential customers; (7) support low-income residential customers, in disaster impacted zip codes which may include all zip codes in a county depending on circumstances, by (a) freezing all standard and high-usage reviews for the California Alternate Rates for Energy (CARE) program eligibility until at least the end of the year and potentially longer, as warranted; (b) contacting all community outreach contractors, the community based organizations who assist in enrolling hard-to-reach low-income customers into CARE, to help better inform customers of these eligibility changes; (c) partnering with the program administrator of the customer funded emergency assistance program for low-income customers and increase the assistance limit amount for the next 12 months for impacted customers; and (e) indicate how the energy savings assistance program can be deployed to assist impacted customers;

(8) suspend all CARE and FERA program removals to avoid unintentional loss of the discounted rate during the period for which the customer is protected under these customer protections; (9) discontinue generating all recertification and verification requests that require customers to provide their current income information.

15. It is reasonable to require the electric and natural gas corporations, as identified in Conclusion of Law 1, to offer repair processing and timing assistance and timely access to utility customers pursuant to Section 8386(c)(18).

16. It is reasonable to require the electric and natural gas corporations, as identified in Conclusion of Law 1, to include these customer protections as part of their larger community outreach and public awareness plans under Section 8386(c)(16)(b).

17. It is reasonable to give the electric and natural gas corporations, as identified in Conclusion of Law 1, discretion to apply or implement additional relief efforts that are unique to its customer experience, or to the specific type of damage resulting from a disaster, or to apply applicable customer protections for customers indirectly affected by the disaster when fairness and equity require auxiliary efforts to supplement the rules set forth here.

18. It is reasonable to direct the electric corporations, as identified in Conclusion of Law 1, to give Community Choice Aggregators in an affected area of a regulated electric utility's service territory, notifications during the disaster and after the disaster and share with the CCA a list of affected customers obtained from the applicable Building and Safety Departments, or other sources, to provide alignment between any billing changes as a result of the disaster.

19. It is reasonable to authorize the electric and natural gas corporations, as identified in Conclusion of Law 1, to track costs associated with the emergency

customer protections, including ongoing outreach and education, in their respective Emergency Customer Protections Memorandum Account and to the extent applicable, Catastrophic Event Memorandum Account, for review in the utility's next general rate case.

20. It is reasonable to authorize the electric and natural gas corporations, as identified in Conclusion of Law 1, and the water and sewer utilities, as identified in Conclusion of Law 2, to provide CalOES and CalFIRE with event oriented data flow, which may include aggregated data related to their customers, driven by requests from CalOES and CalFIRE to support timely and appropriate actions to address public safety during a qualified event..

21. It is reasonable to require the utilities, twelve months following a qualifying event, to file a Tier 1 Advice Letter describing the collaborative engagement they had with CalOES and CalFIRE demonstrating information sharing that aided CalOES and CalFIRE to carry out their missions.

22. It is reasonable to require the electric and natural gas utilities, as identified in Conclusion of Law 1, and the water, and sewer utilities, as identified in Conclusion of Law 2, to conduct outreach and awareness to utility customers that clearly communicate the customer protections before a disaster occurs and during a disaster using an appropriate and timely combination of:

(1) community outreach; (2) webpages; (3) outbound emails; (4) media advisories; (5) social media posts; (6) outbound dialing; (7) SMS text messaging; (8) customer contact centers to provide customers impacted by the disaster information regarding service interruptions, restoration efforts, along with relief support; (9) community outreach centers; (10) targeted outreach to highly impacted customers; (11) direct mail; (12) newsletters; (13) city/county assistance centers; (14) trained staff at local assistance centers to work in-person with

impacted customers; (15) partnering with community-based organizations that serve income-eligible customers to ensure awareness of available customer protections; (16) local governments; and (17) communicate these emergency disaster relief customer protections in accessible formats for customers with disabilities impacting their ability to use standard forms of communication.

23. It is reasonable to require the electric and natural gas utilities, as identified in Conclusion of Law 1, and the water, and sewer utilities, as identified in Conclusion of Law 2, to begin conducting reasonable outreach to customers about these protections utilizing a mix of tactics to most effectively reach customers at the right times upon the effective date of this Decision.

24. It is reasonable to require the electric and natural gas utilities, as identified in Conclusion of Law 1, and the water, and sewer utilities, as identified in Conclusion of Law 2, to give tenants – who are utility customers – who are not on the account and wish to relocate and re-establish utility service, the customer protections extended in this rulemaking by self-identifying and stating that their residence was in a disaster area and they are relocating and re-establishing utility service.

25. It is reasonable to require the water and sewer corporations, as identified in Conclusion of Law 2, to file a Tier 1 advice letter with the Commission's Water Division within 15 days of a governor's state of emergency proclamation and/or a presidential state of emergency demonstrating implementation of the following emergency customer protections: (1) activation of their CEMA effective to the time of the declaration of emergency; (2) make insurance claims on all costs and expenses incurred as a result of the fires, and credit insurance payments to their CEMA; (3) work cooperatively with affected customers to resolve unpaid bills, and minimize disconnections for non-payment; (4) waive

reconnection or facilities fees for affected customers and suspend deposits for affected customers who must reconnect to the system; (5) provide reasonable payment options to affected customers; and (5) waive bills for victims who lost their homes or if their homes are rendered uninhabitable; and (6) authorize a pro rata waiver of any fixed element of a water bill for the time that the home is uninhabitable, even if the reason for it being uninhabitable is not loss of water service.

26. It is reasonable to authorize the water and sewer corporations, as identified in Conclusion of Law 2, to track costs associated with the emergency customer protections in their respective Catastrophic Event Memorandum Account, for review in the utility's next general rate case.

27. It is reasonable to authorize the water and sewer corporations, as identified in Conclusion of Law 2, to recover costs associated with the emergency customer protections across each utility's entire customer base.

28. It is reasonable to authorize the water and sewer corporations, as identified in Conclusion of Law 2, to make any necessary tariff changes in accordance with the advice letter procedures prescribed by General Order 96-B

29. Official notice is taken, pursuant to Rule 13. 9 of the Commission's Rules of Practice and Procedure, that United States Census data shows that the top three primary languages used in California other than English and Spanish are Chinese (including Cantonese, Mandarin and other Chinese languages), Tagalog, and Vietnamese.

30. It is reasonable to require the electric and natural gas corporations, as identified in Conclusion of Law 1, and the water and sewer utilities, as identified in Conclusion of Law 2, to communicate these emergency disaster relief customer protections in English, Spanish, Chinese (including Cantonese,

Mandarin and other Chinese languages), Tagalog, and Vietnamese as well as Korean and Russian where those languages are prevalent within the utilities' service territories.

31. It is reasonable to adopt additional language outreach requirements in other proceedings, including adding less prevalent languages, here.

32. If the governor of California and the president of the United States declare a state of emergency declaration simultaneously or for the same emergency disaster event, then it is reasonable for the utility to file a single advice letter for that event.

33. It is reasonable to allow the water and sewer utilities, as identified in Conclusion of Law 2, to file a Tier III advice letter with the Commission's Water Division only if the costs associated with the public outreach of these emergency disaster relief protections are too significant between general rate case cycles.

## **O R D E R**

### **IT IS ORDERED** that:

1. The Commission's adopted emergency disaster customer relief protections shall apply to all electric, gas, water, and serve utility customers in affected areas in a state of emergency declared by the California Governor's Office or the President of the United States and shall remain in effect pursuant to the timelines established in this Decision. Nothing in this Decision bars or otherwise prohibits utilities from implementing their own disaster assistance programs to supplement these adopted emergency customer protections.

2. In the event the Governor of California or a President of the United States declares a state of emergency because a disaster has either resulted in the loss or disruption of the delivery or receipt of utility service and/or resulted in the degradation of the quality of utility service: (1) Pacific Gas and Electric

Company; (2) Southern California Edison Company; (3) San Diego Gas and Electric Company; (4) Southern California Gas Company; (5) PacifiCorp; (6) Liberty Utilities (CalPeco Electric LLC); (7) Bear Valley Electric Service (a division of Golden State Water Company); (8) Alpine Natural Gas, Inc.; (9) Southwest Gas Corporation; (10) West Coast Gas Company, Inc.; (11) Catalina Island Gas Services shall file a Tier 1 Advice Letter within 15 days of the Governor's state of emergency proclamation reporting compliance with implementing this Decision's mandated emergency disaster relief customer protections and outreach activities.

3. In R.18-12-005, we adopted de-energization (public safety power shut-offs) guidelines. Nothing in this proceeding is intended to conflict or change the outcomes of R.18-12-005. Should we adopt additional guidelines or requirements in R.18-12-005, or in other proceedings, those too shall be adopted here.

4. Pacific Gas and Electric Company, Southern California Edison Company; San Diego Gas and Electric Company, Southern California Gas Company, PacifiCorp, Utilities (CalPeco Electric LLC), Bear Valley Electric Service (a division of Golden State Water Company), Southwest Gas Corporation, West Coast Gas Company, Inc., and Catalina Island Gas Services shall track the associated costs with the emergency customer protections in their respective Emergency Customer Protections Memorandum Accounts and shall extend the applicability of those memorandum accounts to costs for implementing customer protections for all disasters in which the Governor of California or the President of the United States has declared a state of emergency. Emergency Customer Protections Memorandum Account tariff language must specify that entries in the account will be segregated by qualifying event.

5. Liberty Utilities (CalPeco Electric LLC) and Alpine Natural Gas, Inc., shall track the associated costs with the emergency customer protections in their respective Catastrophic Event Memorandum Accounts and shall extend the applicability of those memorandum accounts to costs for implementing customer protections for all disasters in which the Governor of California or the President of the United States has declared a state of emergency. Catastrophic Event Memorandum Account tariff language must specify that entries in the account will be segregated by qualifying event.

6. Pacific Gas and Electric Company, Southern California Edison Company; San Diego Gas and Electric Company, Southern California Gas Company, PacifiCorp, Liberty Utilities (CalPeco Electric LLC), Bear Valley Electric Service (a division of Golden State Water Company), Alpine Natural Gas, Inc., Southwest Gas Corporation, West Coast Gas Company, Inc., and Catalina Island Gas Services shall file a Tier 1 Advice Letter at the default, 12-month conclusion of customer protection period, or as reasonably determined by the Governor's Office of Emergency Services, detailing the mandated protections offered to the customer affected by the disaster, the start and end periods customers received the emergency customer protections, the outreach efforts conducted, the customer impacts, basic metrics – that can be forecasted – such as the number of consumers that received each of the available protections over the course of the year, and the associated cost.

7. Pacific Gas and Electric Company, Southern California Edison Company; San Diego Gas and Electric Company, Southern California Gas Company, PacifiCorp, Liberty Utilities (CalPeco Electric LLC), Bear Valley Electric Service (a division of Golden State Water Company), Alpine Natural Gas, Inc., Southwest Gas Corporation, West Coast Gas Company, Inc., and Catalina Island Gas

Services shall file a Tier 1 Advice Letter twelve months from a qualifying event, detailing the collaborative engagement they had with the Governor's Office of Emergency Services and the California Department of Forestry and Fire Protection demonstrating information sharing that aided these entities in carrying out their statutory mission.

8. Pacific Gas and Electric Company, Southern California Edison Company; San Diego Gas and Electric Company, Southern California Gas Company, PacifiCorp, Liberty Utilities (CalPeco Electric LLC), Bear Valley Electric Service (a division of Golden State Water Company), Alpine Natural Gas, Inc., Southwest Gas Corporation, West Coast Gas Company, Inc., and Catalina Island Gas Services shall file a Tier 1 Advice Letter 60 days from the effective date of this decision, setting forth a plan for customer outreach of these protections in English, Spanish, Chinese (including Cantonese, Mandarin, and other Chinese languages), Tagalog, and Vietnamese as well as Korean and Russian where those languages are prevalent within the utilities' service territories.

9. In the event the Governor of California or the President of the United States declares a state of emergency because a disaster has either resulted in the loss or disruption of the delivery or receipt of utility service and/or resulted in the degradation of the quality of utility service, all Class-A Water utilities (California Water Service Company, California American Water Company, Golden State Water Company, Great Oaks Water Company, Liberty Utilities (Apple Valley Ranchos Water, and Park Water), San Jose Water Company, San Gabriel Valley Water Company, and Suburban Water Systems as well as all Class-B utilities (Fruitridge Vista Water Company, Bakman Water Company, Del Oro Water Company, East Pasadena Water Company, Santa Catalina Island Water (a division of Southern California Edison Company), and Alco Water

Service).) shall file a Tier 1 Advice Letter within 15 days of the Governor's or the President of the United States state of emergency proclamation reporting compliance with implementing this Decision's mandated emergency customer protections and outreach activities.

10. All Class-A Water utilities (California Water Service Company, California American Water Company, Golden State Water Company, Great Oaks Water Company, Liberty Utilities (Apple Valley Ranchos Water, and Park Water), San Jose Water Company, San Gabriel Valley Water Company, and Suburban Water Systems as well as all Class-B Water utilities (Fruitridge Vista Water Company, Bakman Water Company, Del Oro Water Company, East Pasadena Water Company, Santa Catalina Island Water (a division of Southern California Edison Company), and Alco Water Service).) shall track the associated costs with the emergency customer protections in the respective Catastrophic Event Memorandum Accounts and extend their applicability of those memorandum accounts to costs for implementing customer protections for all disasters in which the Governor of California or the President of the United States has declared a state of emergency. Catastrophic Event Memorandum Accounts or Emergency Customer Protections Memorandum Account tariff language must specify that entries in the account will be segregated by qualifying event. Costs for emergency customer protection activities should be recovered across each utility's entire customer base and the water and sewer utilities stated above, shall make any necessary tariff changes in accordance with the advice letter procedures prescribed by General Order 96-B.

11. All Class-A Water utilities (California Water Service Company, California American Water Company, Golden State Water Company, Great Oaks Water Company, Liberty Utilities Apple Valley Ranchos Water, and Park Water),

San Jose Water Company, San Gabriel Valley Water Company, and Suburban Water Systems as well as all Class-B utilities (Fruitridge Vista Water Company, Bakman Water Company, Del Oro Water Company, East Pasadena Water Company, Santa Catalina Island Water (a division of Southern California Edison Company), and Alco Water Service).), shall file a Tier 1 Advice Letter at the default, 12-month conclusion of customer protection period (running from the date that customer protections related to the specific disaster became effective), or as reasonably determined by the Governor's Office of Emergency Services, detailing the mandated protections offered to the customer affected by the disaster, the start and end periods customers received the emergency customer protections, the outreach efforts conducted, the customer impacts, and the associated cost.

12. All Class-A Water utilities (California Water Service Company, California American Water Company, Golden State Water Company, Great Oaks Water Company, Liberty Utilities (Apple Valley Ranchos Water, and Park Water), San Jose Water Company, San Gabriel Valley Water Company, and Suburban Water Systems as well as all Class-B Water utilities (Fruitridge Vista Water Company, Bakman Water Company, Del Oro Water Company, East Pasadena Water Company, Santa Catalina Island Water (a division of Southern California Edison Company), and Alco Water Service).) shall file a Tier 1 Advice Letter twelve months from a qualifying event, documenting the collaborative engagement they had with the Governor's Office of Emergency Services and the California Department of Forestry and Fire Protection demonstrating information sharing that aided these entities in carrying out their mission.

13. All Class-A Water utilities (California Water Service Company, California American Water Company, Golden State Water Company, Great Oaks Water

Company, Liberty Utilities (Apple Valley Ranchos Water, and Park Water), San Jose Water Company, San Gabriel Valley Water Company, and Suburban Water Systems as well as all Class-B Water utilities (Fruitridge Vista Water Company, Bakman Water Company, Del Oro Water Company, East Pasadena Water Company, Santa Catalina Island Water (a division of Southern California Edison Company), and Alco Water Service).) shall file a Tier 1 Advice Letter 60 days from the effective date of this decision, setting forth the plan for customer outreach of these protections in English, Spanish, Chinese (including Cantonese, Mandarin, and other Chinese languages), Tagalog, and Vietnamese as well as Korean and Russian where those languages are prevalent within the utilities' service territories.

14. Should we adopt additional language outreach requirements in other proceedings, including adding less prevalent languages, those too shall be adopted here.

15. This Rulemaking remains open pending resolution of the issues for the communications service providers.

This order is effective today.

Dated July 11, 2019, at San Francisco, California.

MARTHA GUZMAN ACEVES  
CLIFFORD RECHTSCHAFFEN  
GENEVIEVE SHIROMA  
Commissioners

President Michael Picker and Commissioner Liane M. Randolph, being necessarily absent, did not participate.