

Decision PROPOSED DECISION OF ALJ DEANGELIS (Mailed 4/20/2021)

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

Order Instituting Investigation on the  
Commission's Own Motion on the Late  
2019 Public Safety Power Shutoff Events.

Investigation 19-11-013

**DECISION ADDRESSING THE LATE 2019 PUBLIC SAFETY POWER  
SHUTOFFS BY PACIFIC GAS AND ELECTRIC COMPANY, SOUTHERN  
CALIFORNIA EDISON COMPANY, AND SAN DIEGO GAS & ELECTRIC  
COMPANY TO MITIGATE THE RISK OF WILDFIRE CAUSED BY UTILITY  
INFRASTRUCTURE**

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COMPANY TO MITIGATE THE RISK OF WILDFIRE CAUSED BY UTILITY  
INFRASTRUCTURE**

**Summary**

While the Commission agrees that electric utilities may proactively shut off electric power as a last resort mitigation measure to protect the public from catastrophic wildfires caused by utility infrastructure, known as Public Safety Power Shutoffs (PSPS) or proactive de-energizations, power shutoffs create major disruptions for the public, an entirely separate set of safety concerns, and, essentially, result in an emergency situation. As such, electric utilities that elect to rely on power shutoffs to mitigate wildfire risks must do so in a manner that is consistent with their fundamental statutory obligation to protect the public safety set forth in Public Utilities Code (Pub. Util. Code) § 451.

This decision finds that in 2019, when proactively shutting off electric power to mitigate the risk of catastrophic wildfire caused by their infrastructure, California's three largest electric investor-owned utilities, Pacific Gas and Electric Company (PG&E), Southern California Edison Company (SCE), and San Diego Gas & Electric Company (SDG&E), failed in certain respects to reasonably comply with the obligation to promote safety in Pub. Util. Code § 451 and with many of the Commission's guidelines in Decision (D.) 19-05-042, Resolution ESRB-8 (July 12, 2018), and other applicable laws, rules, and regulations.

To address the failures of PG&E, SCE, and SDG&E to reasonably protect the public and adhere to state law and the Commission's rules and regulations pertaining to proactive power shutoffs used as a wildfire mitigation measure, the Commission directs utilities to, among other things:

- (1) forgo collection from customers of the portion of their authorized revenue requirement equal to estimated unrealized volumetric sales and unrealized revenue due to future proactive power shutoffs;
- (2) immediately initiate efforts to engage in the sharing of best practices and lessons learned for initiating, communicating, reporting, and improving all aspects of proactive power shutoffs by regularly holding utility working group meetings;
- (3) immediately initiate efforts to assist the Commission's Safety and Enforcement Division in developing a standardized 10-day post-event reporting template;
- (4) file a report on an annual basis in Rulemaking (R.) 18-12-005 or a successor proceeding describing each utility's progress and status on improving compliance with the PSPS Guidelines, especially the progress and status of implementing those guidelines not addressed in 10-day post-event reports;
- (5) undertake specific corrective actions, set forth below, to improve the utilities' future compliance with the PSPS Guidelines and Pub. Util. Code § 451;
- (6) provide Standard Emergency Management System (SEMS) training for all personnel involved in PSPS planning;
- (7) immediately initiate efforts to improve, among other things, communications with those customers dependent on electricity for medical reasons, especially life functions, before, during, and after a proactive power shutoffs; and
- (8) improve transparency in all aspects of utility decision-making related to initiating proactive power shutoffs.

In addition, the Commission's Safety and Enforcement Division will increase the transparency of its review process of the 10-day post-event reports by, as a first step, preparing a standard template for 10-day post-event reports, which will be issued for comments by parties in R.18-12-005; and, as a second step, establishing a single webpage on the Commission's website to function as a central repository for all the Commission's undertakings regarding the proactive power shutoffs that stakeholders, including the general public, can use to easily



access the different aspects of the Commission's review process of proactive power shutoff, such as identifying the division within the Commission undertaking a particular aspect of the review process and the subject matter of the review.

This proceeding is closed.

## **1. Background**

In this proceeding, we review the use of power shutoffs (also known as Public Safety Power Shutoffs, PSPS events, proactive power shutoffs, and de-energization events)<sup>1</sup> in late 2019 by California's three largest electric investor-owned utilities, Pacific Gas and Electric Company (PG&E), Southern California Edison Company (SCE), San Diego Gas & Electric Company (SDG&E) (collectively herein "utilities" or "IOUs"), to mitigate against the potential ignition of catastrophic wildfires caused by utility infrastructure in hazardous weather conditions.

In 2019, when the events at issue occurred, the use of power shutoffs by electric utilities to protect against the potential ignition of wildfires caused by utility infrastructure in hazardous weather conditions was not new. These types of power shutoffs had been considered and used as a wildfire mitigation measure, although rarely, starting as far back as 2003, at least 16 years before the events at issue occurred. In the past decade, however, the use of these power shutoffs by utilities have taken on added urgency as wildfires ignited by utility

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<sup>1</sup> The term de-energization is used throughout this decision to refer to the utility's act of turning off electric power. This term is used differently than the term PSPS event, which refers to the entire situation resulting from a de-energization by a utility for the specific purpose of mitigating the potential for catastrophic wildfire caused by utility infrastructure.

infrastructure continue to grow in scope, frequency, and devastation across California. This urgency increased further in the past few years.

The Commission, in turn, has considered the use of de-energization in a number of different forums and provided utilities with a framework for evaluating the need to initiate a PSPS event and a process to minimize the impact of these power shutoffs on the public. To provide context for the Commission's evaluation of the PSPS events of late 2019, the history of the Commission's review of power shutoffs as a wildfire mitigation measure is summarized below together with an overview of this proceeding.

### **1.1. Overview**

On November 13, 2019, the Commission opened Investigation (I.) 19-11-013 to review the use of electric power shutoffs as a wildfire mitigation measure by utilities in late 2019.<sup>2</sup> The Commission instituted this proceeding to determine whether California's electric investor-owned utilities prioritized safety and complied with the applicable laws, rules, and regulations when, in late 2019, the utilities relied upon power shutoffs as a wildfire mitigation measure to safeguard against potential catastrophic wildfire ignited by the utility's electric infrastructure, including vegetation-related impacts to utility infrastructure during hazardous weather conditions, such as high winds.

The Commission issued this Investigation in 2019 in response to serious concerns raised by communities, local and state governmental entities, individual customers, and organizations representing various customers, including vulnerable populations, regarding the manner in which utilities

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<sup>2</sup> I.19-11-013, *Order Instituting Investigation on the Commission's Own Motion on the Late 2019 Public Safety Power Shutoffs* (November 13, 2019) at 1. This Investigation and all other documents filed in this proceeding are available on the Commission's website.

conducted these power shutoffs. These concerns included whether the utilities properly communicated or notified customers of the potential for these power shutoffs; whether the utilities properly executed the de-energizations, including taking all reasonable steps to lessen the impact of shutting off the electricity on the public; and, perhaps, most importantly, whether utilities identified the potential for public harm – across all customer classes – due to power shutoffs, properly balanced the need to provide reliable electric utility service with public safety, and only relied upon power shutoffs as a wildfire mitigation measure of last resort.

When issuing this Investigation proceeding in November 2019, the health and safety of all Californians was the Commission’s most pressing concern. As the Commission stated in I.19-11-013, when initiating this proceeding, “the Commission seeks to ensure that utility decisions to shut off power to prevent wildfires are only made when *absolutely necessary* and are based on actual and substantiated conditions. The Commission also seeks to ensure that such events are not conducted in an ineffective or haphazard way because of the *potential of such events to endanger the public health and safety*.”<sup>3</sup>

## **1.2. Respondents**

The Commission named all California electric investor-owned utilities as respondents to this Investigation proceeding. In today’s decision, we review the use of these power shutoffs in late 2019 by California’s three largest electric investor-owned utilities, PG&E, SCE, and SDG&E. The smaller California electric investor-owned utilities, Liberty Utilities/CalPeco Electric (Liberty), Bear Valley Electric Service, Inc. (Bear Valley), and Pacific Power, a division of PacifiCorp

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<sup>3</sup> I.19-11-013 at 2. (Emphasis added.)

(PacifiCorp), are named respondents to this proceeding but, because none of these smaller utilities relied upon power shutoffs as a wildfire mitigation measure in 2019, these smaller utilities are not subject to our review and we do not direct any actions by these smaller utilities by this decision.<sup>4</sup>

### **1.3. Related Commission Decisions and Proceedings**

This proceeding is related to a long line of Commission decisions, dating back to 2009, addressing the rules and regulations applicable to a utility's use of power shutoffs as a mitigation measure to protect the public safety under Pub. Util. Code §§ 451 and 399.2(a) from fires caused by utility infrastructure. This proceeding is also related to several recent and ongoing Commission proceedings addressing wildfire prevention, safety, emergency response, microgrids, and climate change. We refer to some of these proceedings below.

Due to the extensive nature of the Commission's consideration in the recent years of issues concerning wildfires caused by utility infrastructure in California, we only refer to the most relevant proceedings here and do not include a comprehensive discussion. More information is available in R.18-12-005 and R.18-10-007.<sup>5</sup> We also refer to recent legislation addressing the utilities' use of power shutoffs to mitigate the potential for catastrophic wildfires caused by utility infrastructure. Our goal is to present a comprehensive picture of the events leading up to the 2019 power shutoffs. Post-2019 matters are not fully addressed.

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<sup>4</sup> December 13, 2019 Joint Response of Bear Valley, Liberty, and PacifiCorp to I.19-11-013 at 2 (confirming that the small electric utilities did not use power shutoffs in 2019.)

<sup>5</sup> R.18-12-005, *Order Instituting Rulemaking to Examine Electric Utility De-Energization of Power Lines in Dangerous Conditions* (December 19, 2018) and R.18-10-007, *Order Instituting Rulemaking to Implement Electric Utility Wildfire Mitigation Plans Pursuant to Senate Bill 901* (2018) (October 25, 2018).

#### **1.4. 2003 - 2007 Related Commission Decisions and Proceedings**

Starting in 2003, SCE relied upon power shutoffs as a wildfire mitigation measure, albeit on a very limited basis, to guard against the threat of wildfire ignited by electric infrastructure from the large number of dead trees due to the bark beetle infestation.<sup>6</sup>

At that time, the Commission had not yet directly acknowledged electric utilities' authority to shut off power in hazardous weather conditions as a wildfire mitigation measure. Instead, SCE, without explicit prior authorization from the Commission, relied upon its fundamental obligation under Pub. Util. Code §§ 451 to "promote the safety" of "patrons, employees, and the public"<sup>7</sup> to shut off power to prevent a wildfire. The rationale supporting the power shutoffs was, essentially, that shutting off electric power to customers would result in less harm or damage than the potential wildfire caused by utility infrastructure. Consequently, the utility would be protecting the overall safety of the public by shutting off power. Reliance on Pub. Util. Code § 451 and, later on § 399.2(a), as authority for these power shutoffs has evolved overtime but the utility's obligation has remained the same: protecting the public safety.

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<sup>6</sup> As described by the Commission in D.09-09-030, in 2003, SCE "implemented a temporary program to shut off power to rural areas where the Governor had declared a state of emergency due to the fire risk posed by the large number of dead trees killed by bark beetles." D.09-09-030 at 42. "SCE implemented its power shut-off program in 2003 on its own initiative and obtained Commission authorization sometime later. SCE terminated the program in August 2005, after the dead and diseased trees had been cleared from the region. During the time SCE's power shut-off program was in effect, SCE shutoff power one time. The shut-off occurred on October 26-27, 2003, in the Idyllwild area. It affected approximately 4,000 customers and lasted 26 hours." D.09-09-030 at 42.

<sup>7</sup> Pub. Util. Code § 451.

### **1.5. 2008 - 2009 Related Commission Decisions and Proceedings**

In 2008, following the devastating 2007 fires in Southern California, including the Rice, Witch and Guejito wildfires, the Commission - for the first time - directly addressed the use of power shutoffs as a wildfire mitigation measure and began an in-depth review of a utility's use of power shutoffs to protect the public safety. At this time, SDG&E began exploring the use of power shutoffs as a wildfire mitigation measure in hazardous weather conditions, such as high winds, to protect public safety.<sup>8</sup>

In December of 2008, SDG&E formally filed a *Fire Preparedness Plan* with the Commission for review in Application (A.) 08-12-021.<sup>9</sup> In its Application, SDG&E requested the Commission to consider its proposal to turn off electricity to certain regions in its service territory during periods of high fire danger to prevent its overhead power lines from igniting potentially catastrophic wildfires.<sup>10</sup> In introducing its plan, SDG&E explained that:

Pursuant to Public Utilities Code § 451... SDG&E files this Application for Commission review of the proactive de-energization measures in SDG&E's Fire Preparedness Plan. Proactive de-energization, as discussed in this Application, refers to those situations where under certain extreme weather conditions and in

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<sup>8</sup> Small Business Utility Advocates (SBUA) refers to the Commission's history of addressing proactive power shutoff, specifically, the use of power shutoffs as a wildfire mitigation measure starting in 2007, in its October 16, 2020 Opening Comments at 3.

<sup>9</sup> A.08-12-021, *Application of San Diego Gas & Electric Company for Review of its Proactive De-Energization Measures and Approval of Proposed Tariff Revisions (U902E)*, filed December 22, 2008. (filed on December 22, 2008). This application and all documents filed in this proceeding are available on the Commission's website.

<sup>10</sup> D.09-09-030 at 2-3.

limited high risk fire areas SDG&E will shut-off power to certain distribution and/or tie lines.<sup>11</sup>

SDG&E further explained that, based on projected wind conditions, it intended to implement power shutoffs during the 2009 fall fire season in Southern California to mitigate the potential of wildfire caused by its infrastructure. Notably, SDG&E did not request or seek the permission of the Commission for authority to shut off power but, instead, stated its intention to rely on this mitigation measure, presumably relying on its existing statutory obligation under Pub. Util. Code § 451 to protect public safety for authority to shut off power to customers. In this application, SDG&E did seek Commission authority to exempt SDG&E from liability resulting from damage caused by these power shutoffs and, to that end, SDG&E requested authority to revise its electric tariff to reflect this exemption from liability. Specifically, SDG&E sought to revise its Electric Tariff Rule 14.

In this SDG&E proceeding, the Commission engaged a broad range of stakeholders on the topic of power shutoffs, including stakeholders that continue to participate in Commission proceedings on matters related to these power shutoffs today, and, in addition, the Commission began to specifically identify potential benefits and potential costs, burdens, risks, and harms resulting from the use of these power shutoffs. The Commission also started to piece together a framework for the utilities to rely upon in making decisions to shut off power consistent with their obligations to protect the public safety under Pub. Util. Code § 451 and, later, § 399.2(a).

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<sup>11</sup> A.08-12-021 at 1.

In September of 2009, the Commission took the first step in developing this framework when it issued a decision in response to SDG&E's 2008 request for the Commission to review its *Fire Preparedness Plan*. The Commission issued D.09-09-030 on September 10, 2009.<sup>12</sup> In D.09-09-030, the Commission decided not to approve of SDG&E's *Fire Preparedness Plan*, reasoning that SDG&E failed to demonstrate the benefits of its *Fire Preparedness Plan*, specifically the power shutoffs, outweighed the many significant adverse impacts on customers and communities.<sup>13</sup>

However, at the same time, in D.09-09-030, the Commission acknowledged that utilities have a statutory obligation under Pub. Util. Code §§ 451 and 399.2(a)<sup>14</sup> to operate facilities in a manner that protects public safety, which could include a utility shutting off power when certain emergencies conditions existed,

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<sup>12</sup> D.09-09-030, *Decision Denying Without Prejudice San Diego Gas & Electric Company's Application to Shutoff Power During Periods of High Fire Danger* (September 10, 2009).

<sup>13</sup> D.09-09-030 at 60. Prior to issuing D.09-09-030, the Commission issued D.09-08-030, *Decision Granting the Motion for a Temporary Restraining Order Regarding San Diego Gas & Electric Company's Power Shut-Off Plan* (August 20, 2009). This decision is available on the Commission's website.

<sup>14</sup> Pub. Util. Code § 451: Every public utility shall furnish and maintain such adequate, efficient, just, and reasonable service, instrumentalities, equipment, and facilities...as are necessary to promote the safety, health, comfort, and convenience of its patrons, employees, and the public.

Pub. Util. Code § 399.2 (a)(1): It is the policy of this state, and the intent of the Legislature, to reaffirm that each electrical corporation shall continue to operate its electric distribution grid in its service territory and shall do so in a safe, reliable, efficient, and cost-effective manner.

Pub. Util. Code § 399.2 (a)(2): In furtherance of this policy, it is the intent of the Legislature that each electrical corporation shall continue to be responsible for operating its own electric distribution grid including, but not limited to, owning, controlling, operating, managing, maintaining, planning, engineering, designing, and constructing its own electric distribution grid, emergency response and restoration, service connections, service turnons and turnoffs, and service inquiries relating to the operation of its electric distribution grid, subject to the commission's authority.



such as the risk of wildfire ignitions caused by utility infrastructure due to hazardous weather conditions.<sup>15</sup> No Commission authorization was required to shut off power.<sup>16</sup> Nevertheless, the Commission found SDG&E failed to present a convincing case that its power shutoff plan, its *Fire Preparedness Plan*, would ultimately protect public safety because - in a finding that remains important today - the Commission found SDG&E did not account for the harms caused to the public by such a power shutoff.<sup>17</sup>

The Commission in this 2009 decision, which was issued approximately 11 years before the events at issue occurred, also explained, in detail, the potential for “significant” adverse impacts on the general public as a result of power shutoffs due to wildfire concerns.<sup>18</sup>

The Commission identified the following 15 major areas of potential concerns: (1) failure of critical communications networks,<sup>19</sup> (2) loss of functional

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<sup>15</sup> D.09-09-030 at 66.

<sup>16</sup> In describing the difference between a power shutoff under its Plan and a power shutoff under Pub. Util. Code §§ 451 and 399.2(a), SDG&E stated the former was “proactive” and the latter was “reactive”: “SDG&E’s [plan set forth in the] application involved a proactive shut-off plan, whereas a statutory shutoff event is reactive and applies only where conditions threaten immediate harm to SDG&E’s system.” D.12-04-024 at 9.

<sup>17</sup> D.12-04-024 at 3, referring to D.09-09-030, “The Commission denied SDG&E’s application in Decision (D.) 09-09-030, finding that SDG&E had not demonstrated that the fire-prevention benefits from its plan to shut off power outweighed the significant costs, burdens, and risks imposed on customers and communities in areas where power is shutoff.”

<sup>18</sup> D.09-09-030 at 61.

<sup>19</sup> D.09-09-030 at 34, stating that communications “service could start to fail for many customers after 4-12 hours as batteries are exhausted and generator fuel is consumed. To keep networks functioning, the exhausted batteries would need to be replaced with fresh batteries or portable generators, and the generators would need to be refueled. This could become a herculean task during a widespread and prolonged power shut-off event, as there are hundreds of sites in the Power Shut-Off Areas where backup power would be needed to keep communications networks functioning.”

communication facilities at the customer premises, (3) wide ranging adverse public safety impacts due to loss of communication services,<sup>20</sup> (4) loss of news and information services to disseminate emergency information to the public, (5) inability of the disabled, the elderly, and the medically fragile to rely on electric-powered devices, specialized communications equipment, refrigerated medications, and life support equipment, (5) adverse impact on schools and the safety of children, (6) adverse impact on water supply,<sup>21</sup> (7) adverse impact on sewage and sanitary services,<sup>22</sup> (8) significant costs for customers related to the provision of a different source for energy supplies, (9) significant costs incurred by customers, such as businesses, during a power shutoff,<sup>23</sup> (10) unique hardships suffered by economically disadvantaged customers, (11) increased dangers, such as fire ignition, from the use of portable generators, (12) increased risks of vehicle accidents due to loss of functioning traffic and street lights, (13) problematic evacuation efforts due to the inability to timely transmit notices to evacuate, (14) diversion of public safety personnel from primary duties to

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<sup>20</sup> D.09-09-030 at 36, the Commission identifies failure of 911 calls to report fire, crimes, medical emergencies, vehicle accidents, inability of first responders to communicate with each other so that coordinated and timely responses are prevented, inability for residents to receive emergency/evacuation notices, failure of health and security services, and inability of senior or the disabled to use "lifeline" emergency buttons.

<sup>21</sup> D.09-09-030 at 39, stating "pump stations provide water to tens of thousands of customers and for firefighting purposes "and these pump stations lack backup power.

<sup>22</sup> D.09-09-030 at 40, "In order to avoid spills or unlawful discharges, the Water Districts will need to rent generators during power shut-off events to keep sewer facilities operating."

<sup>23</sup> D.09-09-030 at 40, "Such costs could include the rental of portable generators; lost business revenues; lodging and restaurant costs for residents who leave the area while power is shutoff; loss of refrigerated foods and medicines; and general loss of public convenience."

blackout-related concerns, and (15) inability to conduct of a broad range of economic activities.<sup>24</sup>

In summarizing these harms in 2009, the Commission's position was clear: the use of proactive power shutoffs to "protect the public safety" from wildfire, even though authorized under Pub. Util. Code § 451, would require utilities to identify, account for, and mitigate the potential for public harm, stating:

"[A] safe electric system is one which is operated to prevent fires. However, operating a safe system also includes the reliable provision of electricity. Without power, numerous unsafe conditions can occur. Traffic signals do not work, life support systems do not work, water pumps do not work, and communication systems do not work. As the California Legislature recognized in § 330(g), '[r]eliable electric service is of utmost importance to the safety, health, and welfare of the state's citizenry and economy.'"<sup>25</sup>

In concluding, the Commission gave additional guidance to utilities on these power shutoffs, emphasizing that, "there is a strong presumption that power should remain on for public safety reasons."<sup>26</sup>

Again, while the Commission did not sanction the use of SDG&E's proposed proactive power shutoffs in 2009, the Commission in D.09-09-030 provided instruction to utilities that remains relevant today: The Commission explained the critical exercise of weighing the benefits of a power shutoff against the resulting harms. In 2009, when the Commission advised SDG&E that it would need to improve its *Fire Preparedness Plan* before seeking Commission approval in the future, the Commission stated that any future proposal must be

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<sup>24</sup> D.09-09-030 at 34-43.

<sup>25</sup> D.09-09-030 at 61.

<sup>26</sup> D.09-09-030 at 61.

“based on a cost-benefit analysis that demonstrates (1) the program will result in a net reduction in wildfire ignitions, and (2) the benefits of the program outweigh any costs, burdens, or risks the program imposes on customers and communities.”<sup>27</sup>

The Commission was clear it would expect utilities to balance the benefits and harms resulting from the use of these power shutoffs used as a wildfire mitigation measures. Lastly, the Commission declined to authorize any changes to the liability provisions of Electric Tariff Rule 14 to exempt SDG&E from liability resulting from the damage caused by these power shutoffs.

#### **1.6. 2010 – 2012 Related Commission Decisions and Proceedings**

Following this 2009 decision, the Commission revisited the use of power shutoffs as a wildfire mitigation measure in 2010. At that time, the Commission still had not explicitly sanctioned any utility’s plan to use a proactive power shutoff as a wildfire mitigation measure but had acknowledged in D.09-09-030 that utilities had authority to shut off power pursuant to Pub. Util. Code §§ 451 and 399.2(a) to protect public safety. The Commission had also developed a framework, set forth in D.09-09-030, including identifying specific harms to the public, that a utility should consider before proactively shutting off power.

The Commission continued to develop this framework in 2010. On September 7, 2010, Disability Rights Advocates, with the understanding that SDG&E had impending plans to rely on proactive power shutoffs as a wildfire mitigation measure, requested the Commission adopt specific requirements to

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<sup>27</sup> D.09-09-030 at 2 and 63.

timely warn and protect customers should SDG&E initiate a de-energization.<sup>28</sup> Disability Rights Advocates also asked the Commission to confirm that the Commission would review the reasonableness of SDG&E's efforts to provide advance notice to customers and mitigate the impact of these power shuts on customers.<sup>29</sup>

While the Commission was evaluating the need for specific requirements in response to Disability Rights Advocates' request in the re-opened proceeding A.08-12-021,<sup>30</sup> stakeholders raised additional concerns pertaining to SDG&E's potential use of proactive power shutoffs, including the need for SDG&E to provide alternate sources of electric power for critical public services, schools, hospitals, and water utilities.<sup>31</sup> As a result, the Commission, expanded its review in approximately 2010 and, with the input from a broad range of stakeholders, addressed a variety of topics related to the proactive power shutoffs. A few

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<sup>28</sup> On September 7, 2010, in A.08-12-021, the Disability Rights Advocates filed a petition to modify D.09-09-030 pursuant to Rule 16.4 of the Commission's Rules of Practice and Procedure. D.12-04-024, *Decision Granting Petition to Modify Decision 09-09-030 and Adopting Fire Safety Requirements for San Diego Gas & Electric Company* (April 19, 2012) at 7, the Disability Rights Advocates "is concerned that shutting off power without notice or mitigation will place SDG&E's residential customers at serious risk, especially those with disabilities."

<sup>29</sup> D.12-04-24 at 7, the Disability Rights Advocates requested the Commission to state this review process, rather than adopt one, because the Commission had already suggested that a review process applied in D.09-09-030 at 75, Conclusion of Law 3, stating "Any decision by SDG&E to shut off power may be reviewed by the Commission pursuant to its broad jurisdiction regarding the safety of public utility operations and facilities."

<sup>30</sup> A.08-12-021 was the SDG&E proceeding in which the Commission was previously reviewing this matter.

<sup>31</sup> D.12-04-024 at 32.

years later, in 2012, the Commission issued additional guidance on these power shutoffs in D.12-04-024.<sup>32</sup>

However, before issuing D.12-04-024, the Commission took steps in a separate proceeding, R.08-11-005,<sup>33</sup> to apply the analysis in D.09-09-030 - for balancing the potential benefits with the harms to the public resulting from these proactive power shutoffs - to all electric utilities. On January 12, 2012, the Commission issued D.12-01-032 (in R.08-11-005) and addressed the potential reliance by *all* investor-owned electric utilities on proactive power shutoffs, as part of what the Commission referred to as, generally, *fire prevention plans*.<sup>34</sup>

In D.12-01-032, when addressing the increased risks of wildfire, the Commission directed all electric utilities to consider developing fire prevention plans and explained that such plans may be needed “to protect public safety... [by evaluating] the risk of wind-ignited power-line fires during extreme fire-weather events ... in areas where it is determined that there is a relatively high risk for such fires”<sup>35</sup>

The Commission explained that these fire prevention plans could include, as a component, shutting off power to mitigate the risk of wildfire ignition and directed utilities to file separate applications if they intended to rely on such

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<sup>32</sup> D.12-04-024, *Decision Granting Petition to Modify Decision 09-09-030 and Adopting Fire Safety Requirements for San Diego Gas & Electric Company* (April 19, 2012).

<sup>33</sup> R.08-11-005, *Order Instituting Rulemaking to Revise and Clarify Commission Regulations Relating to the Safety of Electric Utility and Communications Infrastructure Provider Facilities* (November 6, 2008).

<sup>34</sup> D.12-01-032, *Decision Adopting Regulations to Reduce Fire Hazards Associated with Overhead Power Lines and Communication Facilities* (January 12, 2012) at 58.

<sup>35</sup> D.12-01-032 at 58.

power shutoffs in their fire prevention plans.<sup>36</sup> Importantly, in D.12-01-032, the Commission specifically found that these applications must account for all the directives applicable to SDG&E in D.09-09-030 (summarized above), including the potential harms to the public from any such power shutoffs.<sup>37</sup>

A few months later, the Commission then issued D.12-04-024, related to the on-going review of SDG&E's potential use of power shutoffs in A.08-12-021. Most relevant to this Investigation, the Commission in D.12-04-024 did not further expand upon SDG&E's statutory obligation to protect public safety, which might include shutting off power, as set forth in D.09-09-030. However, the Commission did adopt additional protection mechanisms and reporting requirements related to proactive power shutoffs, as follows: (1) a 10-day post-event reporting requirements, (2) the reporting of the all the factors considered by the utility leading up to the decision to shut off power,<sup>38</sup> (3) directing utilities to identify certain essential services and vulnerable populations that might need extra or earlier notice prior to a power shutoff,<sup>39</sup> and (4) emphasizing that proactive power shutoffs used for wildfire mitigation

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<sup>36</sup> D.12-01-032 at 55-56.

<sup>37</sup> D.12-01-032 at 55-56.

<sup>38</sup> D.12-04-024 at 36-37. The Commission stated, "SDG&E shall submit the report no later than 10 business days after the shutoff event ends." Throughout this decision, the use of the term, 10-day post-event report, refers to the report first mandated by the Commission in D.12-04-024 and to be filed *10 business days* after the end of the event. This requirement remains in place today.

<sup>39</sup> D.12-04-024 at 10, the Commission found that prior notice was critical and identified certain customers and members of the community that may particularly suffer harm in the event of a power shut, finding that SDG&E should provide as much notice as feasible before shutting off power so that "essential services (e.g., schools, hospitals, prisons, public safety agencies, telecommunications utilities, and water districts) and customers who are especially vulnerable to power interruptions (e.g., customers who rely on medical life-support equipment) may implement their own emergency plans."

should only be used as a *last resort*, citing to the provision in Pub. Util. Code § 330(g) that “[r]eliable electric service is of utmost importance to the safety, health, and welfare of the state’s citizenry and economy.”<sup>40</sup>

SDG&E implemented limited proactive power shutoffs between 2013 and 2018. .

### **1.7. 2018 - Related Commission Decisions and Proceedings**

The Commission next addressed these power shutoffs in 2018. Against a backdrop of the various decisions of the Commission on how utilities should approach the use of power shutoffs for wildfire mitigation and, in addition, after the occurrence of the devastating wildfires of 2017 - believed to be caused by utility infrastructure and which resulted in deaths and thousands of acres of destruction - the Commission embarked on an effort to refine the framework used by utilities for these proactive power shutoffs.

On July 12, 2018, over a year before the events at issue occurred, the Commission issued Resolution ESRB-8.<sup>41</sup> In that Resolution, the Commission described, with urgency, the 2017 wildfires:

“The 2017 California wildfire season was the most destructive wildfire season on record, and saw multiple wildfires burning across California, including five of the 20 most destructive wildland urban-interface fires in the state's history. Devastating fires raged in Santa Rosa, Los Angeles, and Ventura, and the Thomas Fire proved to be the largest wildfire in California history. These fires further demonstrated the fire risk in California. As a result of the fires and critical fire weather conditions, both the President of the United

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<sup>40</sup> D.12-04-024 at 29-30.

<sup>41</sup> Resolution ESRB-8 (July 12, 2018).



States and the Governor of California issued State of Emergency declarations.”<sup>42</sup>

Responding to the destruction caused by the 2017 wildfires and with the understanding that some of these fires were caused by electric utilities’ infrastructure,<sup>43</sup> the Commission took another step in extending the rules and regulations for these proactive power shutoffs to all electric utilities – although the Commission had done this previously in D.12-01-032 - and found that the power shutoff requirements pertaining to SDG&E in D.09-09-030 and D.12-04-024 applied to all California investor-owned electric utilities, including PG&E and SCE.<sup>44</sup>

While the Commission had already made it clear in D.12-01-032 that the requirements in D.09-09-030 applied to *all* electric utilities,<sup>45</sup> Resolution ESRB-8 further confirmed the applicability of the prior rules and regulations to all electric utilities and, in addition, strengthened the reporting, public outreach, and notification requirements before, during and after proactive power

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<sup>42</sup> Resolution ESRB-8 (July 12, 2018) at 2.

<sup>43</sup> D.20-05-019 (I.19-06-015) (May 7, 2020).

<sup>44</sup> Resolution ESRB-8 (July 12, 2018) at 1.

<sup>45</sup> D.12-01-032 at 55-56, stating “Any electric IOU that intends to shut off power as part of its fire-prevention plan must file an application for authority to do so. The application shall demonstrate with a cost-benefit analysis developed in accordance with the guidance provided by D.09-09-030 that the benefits of shutting off power in terms of a net reduction in wildfire ignitions outweigh the substantial costs, burdens, and risks that shutting off power would impose on customers and communities affected by the shutoff.”<sup>45</sup> The application must also include mitigation measures to reduce or eliminate the inevitable adverse impacts caused by shutting off power. Special effort should be placed on mitigating the adverse impacts on people with disabilities, providers of essential services, and schools. An electric IOU may not shutoff power as a part of its fire-prevention plan until the Commission has granted authority to do so.”

shutoffs.<sup>46</sup> The Resolution further directed the utilities to mitigate the harm to the public.<sup>47</sup>

Specifically, Resolution ESRB-8 directed, among other things, the utilities to follow these additional directives related to proactive power shutoffs:

- (1) submit post-event reports when the public is advised of a potential power shutoff even if the utility does not actually shutoff power;
- (2) include in post-event reports community contacts for the affected area, an explanation if advanced notice was not provided two hours before the power shutoff, and a description of the community assistance locations open during the power shutoff;
- (3) submit a one-time report to the Commission's Safety and Enforcement Division (SED) that, among other things, identifies the state agencies, local agencies, and tribal governments the utility will coordinate with in developing a plan to shut off power as a wildfire mitigation measure, the utility's plan for noticing customers before and during a power shutoff, and the utility's plans for mitigating harm to the public when a power shutoff occurs;
- (4) meet with representatives from local communities that may be affected by power shutoffs before putting the practice in effect;
- (5) discuss details of any potential power shutoff and the mitigation measures that the communities should consider putting in place, including information about any assistance the utility may be able to provide during PSPS events;
- (6) as soon as practicable before an actual power shutoff, notify and communicate with fire departments, first responders, local communities, governments, communications providers, and community choice aggregators; and
- (7) assist critical facility customers to

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<sup>46</sup> Resolution ERSB-8 (July 12, 2018) at 2.

<sup>47</sup> Resolution ERSB-8 (July 12, 2018) at 2.

evaluate their need for backup electric power, which may include the utility's provision of generators to critical facilities.<sup>48</sup>

In this 2018 Resolution, the Commission provided PG&E, SCE, and SDG&E with an expansive set of guidelines - some mandatory, some discretionary - to prepare for and conduct any future proactive power shutoffs used as a wildfire mitigation measure in hazardous weather conditions. However, the utilities' overarching obligation set forth in Pub. Util. Code § 451 and § 399.2(a) remained unchanged: protecting the public safety.

On September 21, 2018, a few months after the Commission issued Resolution ESRB-8, the Legislature passed Senate Bill (SB) 901, specifically addressing electric utilities' use of power shutoffs as a wildfire mitigation measure.<sup>49</sup> SB 901 added and amended a number of provisions of the Pub. Util. Code, including § 8386, requiring, among other things, all California electric utilities to prepare and submit annual *Wildfire Mitigation Plans* to the Commission that described the utilities' plans to prevent, combat, and respond to utility-associated wildfires in their service territories.<sup>50</sup> As part of these plans, electric utilities were directed to address the use of power shutoffs as a wildfire mitigation measure. Pub. Util. Code § 8386(c) required the plans to include "Protocols for ... deenergizing portions of the electrical distribution system that

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<sup>48</sup> Resolution ERSB-8 (July 12, 2018) at 5-7.

<sup>49</sup> SB 901 (Dodd, Stats. 2018, Ch. 626) to amend §§ 399.20.3, 854, 959, 1731, 2107, 8386, and 8387 of, to add §§ 451.1, 451.2, 748.1, 764, 854.2, 8386.1, 8386.2, 8386.5, and 8388 to, to add Article 5.8 (commencing with § 850) to Chapter 4 of Part 1 of Division 1 of, and to repeal and add § 706 of, the Pub. Util. Code, relating to wildfires. SB 901 also amended and added to the Public Resources Code, Civil Code, Health and Safety Code, and Government Code.

<sup>50</sup> R.18-10-007, *Order Instituting Rulemaking to Implement Electric Utility Wildfire Mitigation Plans Pursuant to Senate Bill 901* (October 25, 2018) at 2.

consider the associated impacts on public safety, as well as protocols related to mitigating the public safety impacts of those protocols, including impacts on critical first responders and on health and communication infrastructure.”<sup>51</sup>

In SB 901, the Legislature was clear that wildfire mitigation was a matter of increased urgency for California in 2018, stating:

“Research indicates that wildfires have grown larger and increased in intensity over the last several decades. Forest fires have increased from an average of about 60,000 acres annually between the 1950s and 1990s to 175,000 acres annually in the 2000s and over 250,000 acres annually this decade.”<sup>52</sup> “This act is intended to improve forest health and reduce the risk and intensity of wildfires, thereby protecting the state from loss of life and property damage....”<sup>53</sup>

On October 25, 2018, shortly after the passage of SB 901, the Commission opened R.18-10-007 as the forum to implement portions of SB 901. The purpose of R.18-10-007 was to review and implement the electric utilities’ *2019 Wildfire Mitigation Plans*.<sup>54</sup> On May 30, 2019, the Commission issued a number of decisions in this proceeding, with a separate decision on each California investor-owned electric utilities’ *Wildfire Mitigation Plans*. These decisions included D.19-05-036,<sup>55</sup> D.19-05-037, D.19-05-038, D.19-05-039, D.19-05-040, and D.19-05-

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<sup>51</sup> Pub. Util. Code § 8386(c)(6).

<sup>52</sup> SB 901, Sec. 1(d).

<sup>53</sup> SB 901, Sec. 1(g).

<sup>54</sup> R.18-10-007 at 2 to 3.

<sup>55</sup> D.19-05-036, the Commission issued a guidance decision on May 30, 2019, on the legal meaning of the decision on the *Wildfire Mitigation Plans* pursuant to SB 901.

041.<sup>56</sup> All of these 2019 decisions addressed utility proactive power shutoffs used for wildfire mitigation.

In 2018, the Commission took further action to address these proactive power shutoffs and provide guidance to utilities promoting safe de-energizations. On December 19, 2018, the Commission initiated a proceeding, A.18-12-005,<sup>57</sup> to expand and strengthen the rules and regulations, previously developed in 2009, 2012, and in early 2018, applicable to proactive power shutoffs used as a wildfire mitigation measure. In initiating A.18-12-005, the Commission described the 2018 fires and noted, again, the urgency of the wildfire situation in California:

“The year 2018 has brought additional devastating wildfires all over the state – including the recent Camp Fire in Butte County, the largest in California’s history with the greatest death toll. At the same time as the Camp Fire, huge fires also burned in Los Angeles and Ventura Counties.”<sup>58</sup>

R.18-12-005 is an ongoing proceeding, where the Commission continues to address matters related to these proactive power shutoffs and, in this ongoing proceeding, the Commission has framed two major topics (which the

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<sup>56</sup> On May 30, 2019, the Commission issued the following: D.19-05-036, *Guidance Decision On 2019 Wildfire Mitigation Plans Submitted Pursuant To Senate Bill 901*; D.19-05-039, *Decision on San Diego Gas & Electric Company's 2019 Wildfire Mitigation Plan Pursuant To Senate Bill 901*; D.19-05-037, *Decision On Pacific Gas And Electric Company's 2019 Wildfire Mitigation Plan Pursuant To Senate Bill 901*; D.19-05-038, *Decision On Southern California Edison Company's 2019 Wildfire Mitigation Plan Pursuant To Senate Bill 901*; D.19-05-040, *Decision On 2019 Wildfire Mitigation Plans Of Liberty Utilities/CalPeco Electric; Bear Valley Electric Service, A Division of Golden State Water Company; And Pacific Power, A Division of PacifiCorp Pursuant To Senate Bill 901*; D.19-05-041, *Decision On Horizon West Transmission, LLC's And Trans Bay Cable LLC's 2019 Wildfire Mitigation Plans Pursuant to Senate Bill 901*.

<sup>57</sup> R.18-12-005 (December 13, 2018) *Order Instituting Rulemaking to Examine Electric Utility De-Energization of Power Lines in Dangerous Conditions*.

<sup>58</sup> R.18-12-005 at 7.

Commission has placed on two different tracks). One track serves as the Commission's primary forum for the development of rules and regulations regarding these proactive power shutoffs. These rules and regulations are known as the PSPS Guidelines. The other track of R.18-12-005 consists of an adjudicatory review of certain specific aspects of PG&E's conduct related to the proactive power shutoffs in late 2019. More specifically, on November 12, 2019, the assigned Commissioner and Administrative Law Judge issued an *Order to Show Cause* on why PG&E should not be sanctioned by the Commission for violation of Pub. Util. Code § 451, D.19-05-042, and Resolution ESRB-8 for its conduct concerning the PSPS events on (1) October 9, 2019 - October 12, 2019, (2) October 23, 2019 - October 25, 2019, and (3) October 26, 2019 - November 1, 2019.<sup>59</sup> The Commission's review of PG&E's conduct in the *Order to Show Cause* regarding 2019 is ongoing.

In other separate proceedings initiated in 2018, the Commission continues to address different aspects of the utilities' response to emergency conditions created by wildfire, including in R.18-03-011 (disaster relief to California residents affected by the devastating wildfires in 2017 and 2018, including communications resiliency planning for disasters and power outage), R.19-09-009 (microgrids), R.18-10-007 (Wildfire Mitigation Plan Rulemaking), R.18-04-019 (Climate Change Adaptation Rulemaking).

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<sup>59</sup> R.18-12-005, the [November 12, 2019 Order to Show Cause](http://docs.cpuc.ca.gov/PublishedDocs/Efile/G000/M319/K530/319530378.PDF) is available at: <http://docs.cpuc.ca.gov/PublishedDocs/Efile/G000/M319/K530/319530378.PDF>. The Commission is reviewing the following topics pertaining to PG&E's 2019 PSPS events: (1) the availability and functionality of PG&E's website, (2) the accuracy of online maps, (3) the accessibility of the secure data transfer portals, (4) the sufficiency of the staffing at call centers, (5) the sufficiency of advanced notice to customers, and (6) the sufficiency of advanced notice to Medical Baseline customers.

### 1.8. 2019 - Related Commission Decisions and Proceedings

In May 2019, a few months before the events under review here, the Commission issued its first decision in R.18-12-005, providing more guidance to utilities when proactively shutting off power as a wildfire mitigation measures. After a lengthy proceeding with many stakeholders, the Commission issued D.19-05-042.<sup>60</sup> In D.19-05-042, the Commission adopted the Phase I De-Energization Guidelines (also referred to as the *Phase 1 PSPS Guidelines*).<sup>61</sup> These rules and regulations are referred to as guidelines to reflect the fact that some are mandatory and some are discretionary.

Many of these detailed guidelines were new for electric utilities in May 2019. Some were simply restatements or slightly revised versions of the rules and regulations the Commission adopted in 2009 and 2012. The framework, however, remained largely unchanged as established by the Commission in D.09-09-030 in 2009,<sup>62</sup> D.12-04-024 in 2012,<sup>63</sup> and Resolution ESRB-8 in 2018.<sup>64</sup> Similarly, in 2019, the utilities' obligation to protect the public safety under Pub. Util. Code § 451 and § 399.2(a) remained unchanged.

For example, the Commission in D.19-05-042 reiterated the need for utilities to identify the public harms and then to balance those harms against

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<sup>60</sup> D.19-05-042, *Decision Adopting De-Energization (Public Safety Power Shut-Off) Guidelines (Phase 1 Guidelines)* (May 30, 2019).

<sup>61</sup> D.19-05-042 at Appendix A.

<sup>62</sup> D.09-09-030, *Decision Denying Without Prejudice San Diego Gas & Electric Company's Application to Shutoff Power During Periods of High Fire Danger* (September 10, 2009).

<sup>63</sup> D.12-04-024, *Decision Granting Petition to Modify Decision 09-09-030 and Adopting Fire Safety Requirements for San Diego Gas & Electric Company* (April 19, 2012).

<sup>64</sup> Resolution ESRB-8, *Resolution Extending De-Energization Reasonableness, Notification, Mitigation and Reporting Requirements in Decision 12-04-024 to All Electric Investor Owned Utilities* (July 12, 2018).

potential wildfire mitigation benefits.<sup>65</sup> The Commission also reiterated that utilities must only use power shutoffs as a last resort for wildfire mitigation.<sup>66</sup> As such, in May 2019, the Commission was not establishing an entirely new set of rules and regulations; the Commission was building upon an existing framework started in 2009 and revised in 2012 and 2018.

A month later, in June 2019 in I.19-06-015, the Commission again stressed the critical role of utilities in wildfire mitigation in its investigation proceeding to consider imposing on PG&E penalties and other remedies for being found responsible for igniting wildfires by utility infrastructure in 2017 and 2018.<sup>67</sup> In July 2019, the Legislature also took further actions to address wildfires caused by utility infrastructure. On July 12, 2019, the Legislature, recognizing that the “increased risk of catastrophic wildfires poses an immediate threat” passed Assembly Bill (AB) 1054 (Holden, Stats. 2019, Ch. 79).<sup>68</sup>

Therefore, going into late 2019 – the time period subject to this Investigation - the Commission had already provided the utilities with a framework to protect public safety, including very specific directives, when utilities were deciding whether to proactively shutoff power to mitigate potential

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<sup>65</sup> D.19-05-042, Appendix A at A24.

<sup>66</sup> D.19-05-042, Appendix A at A1.

<sup>67</sup> D.20-05-019 (I.19-06-015), *Decision Approving Proposed Settlement Agreement with Modifications*, (May 7, 2020), (the Commission addressed the role of PG&E in igniting wildfires in 2017 and 2018 and assess penalties of \$2.137 billion and other remedies.)

<sup>68</sup> AB 1054 (Holden, Stats. 2019, Ch. 79), Sec. 1(a)(1). AB 1054 was enacted as an urgency measure, taking effect immediately, and addressed the devastation from catastrophic wildfires in California caused by electric utility infrastructure, including the related increased costs to ratepayers due to the electric utilities’ exposure to financial liability due to these wildfires.<sup>68</sup> AB 1054 left in place, with minor amendments, the same components of Pub. Util. Code § 8386 that required electric utilities to describe their protocols for de-energization as a wildfire mitigation measure in their *Wildfire Mitigation Plans*.



wildfire igniting from their own infrastructure. Within this framework, the Commission acknowledged the competing interests inherent in proactive power shutoffs, including the need to rely on these power shutoffs despite resulting public harm, the increased urgency of catastrophic wildfire mitigation in California, and the appropriateness of penalties on utilities for failure to properly mitigate wildfire caused by their infrastructure.<sup>69</sup>

However, heading into 2019, the Commission had not yet addressed the widespread use of these proactive power shutoffs by utilities.

### **1.9. Late 2019 – PSPS Events**

In late 2019, to a degree not seen in the past, PG&E, SCE, and SDG&E, relied on proactive power shutoffs to mitigate the potential for wildfire caused by their infrastructure. Between October 2, 2019 and November 26, 2019, with the onset of hazardous fall weather conditions in California, including high winds and dry conditions, PG&E, SCE, and SDG&E proactively shut off electricity to approximately 2,153,906 customer accounts (which generally means a household or business) including 76,978 customer accounts that depended on

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<sup>69</sup> In 2020, the Commission continued to review, develop, and refine the utilities' use of power shutoffs to mitigate wildfire. The Commission further expanded on the rules and regulations applicable to these power shutoffs in R.18-12-005 in D.20-05-051, *Decision Adopting Phase 2 Updated and Additional Guidelines for De-Energization of Electric Facilities to Mitigate Wildfire Risk* (May 28, 2020) (adopting "Phase 2 PSPS Guideline"). R.18-12-005 remains open and the Commission de-energization guidelines in that proceeding. The 2020, the Commission also reviewed the electric utilities' 2020 *Wildfire Mitigation Plans* (filed on February 7, 2020) and, after review, issued resolutions, based on the recommendations of the Wildfire Safety Division. These resolutions all address power shutoffs used by electric utilities for wildfire mitigation. These decisions and resolutions are not included in our review today since these directives had not been enacted when the 2019 power shutoffs occurred. We include them here to emphasize that our review of these power shutoffs is on-going and the Commission continues to coordinate other open proceedings related to California wildfires to ensure California utilities are better prepared for wildfires and power shutoffs caused by electric utility infrastructure.

electric power for medical needs, in an effort to mitigate the potential for wildfire ignited by their electric infrastructure.<sup>70</sup> We review these proactive power shutoffs here.

### **1.10. Phase 1**

In response to these extensive late 2019 proactive power shutoffs and the resulting public criticism, the Commission initiated this Investigation in November 2019. In the first phase of this proceeding, the Commission directed SED to “investigate and produce a consultant’s report that evaluates the utilities’ actions prior to, during and after the PSPS events in late 2019 and utility compliance with the Commission’s existing de-energization regulations and requirements.”<sup>71</sup> In implementing this Commission directive, SED determined that, rather than hire a consultant, it would produce the report itself.<sup>72</sup> SED completed its report on April 30, 2020, entitled *Public Report on the Late 2019 Public Safety Power Shutoff Events* (April 30, 2020) (herein “SED Report”).<sup>73</sup> The ALJ sent the report to the service list of this proceeding via an email ruling issued on June 10, 2020.

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<sup>70</sup> SED Report at 3, Table 1; *See also*, Public Advocates Office at the California Public Utilities Commission (Cal Advocates) October 16, 2020 Opening Comments at i. A customer account is included in this total each time power was shut off, which means, for example, if a customer account was de-energized twice in late 2019, it is counted twice in this total.

<sup>71</sup> I.19-11-013, (November 13, 2019) at 1. The Commission also stated in I.19-11-013 at Ordering Paragraph 4, at 12 that SED shall “assess the electric utilities’ implementation of the Public Safety Power Shutoff (PSPS) Guidelines during the late 2019 PSPS events and to identify areas where the PSPS Guidelines and/or utility actions must be improved.”

<sup>72</sup> SED Report at 3, states: “Because of resource and timing issues related to execution of a contract to address the issues presented in I.19-11-013 and the need for expediency to complete this assessment in advance of the 2020 fire season, this Report was prepared by SED staff rather than a consultant.”

<sup>73</sup> The SED Report is available on the Commission’s website at the following link: <https://www.cpuc.ca.gov/deenergization/>.

In putting together its report, SED reviewed all the proactive power shutoff events (or PSPS events) that occurred in late 2019, five PG&E proactive power shutoffs, six SCE proactive power shutoffs, and two SDG&E proactive power shutoffs.<sup>74</sup> The SED Report summarizes the power shutoff events within the scope of the SED Report at Table 1, therein, and reproduced below. The SED Report reviews power shutoff events, beyond those identified in I.19-11-013, to capture all the proactive power shutoffs that occurred in late 2019, including those events that occurred after November 13, 2019, the date the Commission issued I.19-11-013.

All the proactive power shutoffs in the table below fall within the scope of this proceeding.

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<sup>74</sup> D.19-05-042 at 107, the Commission stated that, within 15 days, SED should engage in a reasonableness review of all PSPS events, stating “Within 15 days of the electric IOU serving its post-event report, affected stakeholders, including public safety partners, critical facilities and local residents may serve comments on the electric IOU’s post-event report in order to inform SED’s reasonableness review.”

2019 PSPS Events reviewed by the Commission's Safety and Enforcement  
Division

<b>IOU Investor- Owned Utility</b>	<b>Event Start Date in 2019 (MM/DD)</b>	<b>Event End Date in 2019 (MM/DD)</b>	<b>Number of Counties Affected</b>	<b>Number of Customer Accounts Affected</b>
PG&E	10/5	10/6	3	11,609
PG&E	10/9	10/12	35	735,440
PG&E	10/23	10/25	17	178,800
PG&E <sup>1</sup>	10/26	10/29	30	967,700
PG&E <sup>2</sup>	11/20	11/21	15	49,000
SCE <sup>1</sup>	10/2	10/12	5	23,824
SCE <sup>1</sup>	10/12	10/21	4	444
SCE <sup>1</sup>	10/21	10/26	6	31,386
SCE <sup>1</sup>	10/27	11/4	10	126,364
SCE <sup>2</sup>	11/15	11/17	3	49
SCE <sup>2</sup>	11/23	11/26	5	1,192
SDG&E <sup>2</sup>	10/10	10/11	1	395
SDG&E <sup>1</sup>	10/20	11/1	1	27,703

Note 1 - PSPS event dates revised based on utility 10-day post-event reports.

Note 2 - Added events to include all PSPS events for October 2019 and November 2019. No PSPS event occurred in December 2020.

The SED Report relied upon a number of sources, including reports on the 2019 PSPS events submitted to the Commission by PG&E, SCE, and SDG&E in this proceeding on December 13, 2019.<sup>75</sup> In addition, SED relied upon the responses to these utility reports filed in this proceeding by parties on

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<sup>75</sup> These utility reports on 2019 PSPS events are available on the Commission website on the Docket Card for this proceeding at:

<https://apps.cpuc.ca.gov/apex/f?p=401:5:0::NO:RP,5,RIR,57,RIR>.

January 10, 2020.<sup>76</sup> SED also relied upon all the relevant utility 10-day post-event reports submitted to the Director of SED, as required by the PSPS Guidelines, 10 business days after the end of a PSPS event.<sup>77</sup> To evaluate the extent of the utilities' compliance with "non-event-specific requirements or guidelines," *i.e.*, requirements or guidelines not implicated before, during, or after a PSPS event and not captured in the 10-day post-event reports, SED relied upon the utilities' progress reports submitted to the Director of SED pursuant D.19-05-042.<sup>78</sup> Lastly, the SED Report relied upon the information obtained from

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<sup>76</sup> These parties include the County of Santa Clara, City of San Jose, Cal Advocates, Ad Hoc Committee of Senior Unsecured Noteholders of PG&E, Coalition of California Utility Employees, California Community Choice Association (CalCCA), The Utility Reform Network (TURN), Utility Consumers' Action Network (UCAN), Center for Accessible Technology (CforAT), California State Association of Counties (CSAC), City and County of San Francisco (City and County of SF), the Acton Town Council (Acton), Joint Local Governments (including the Counties of Kern, Marin, Mendocino, Napa, Nevada, San Luis Obispo, Santa Barbara, and Sonoma, and the City of Santa Rosa), California Large Energy Consumers Association (CLECA), City of Riverside. These party responses are available on the Commission website on the [Docket Card for this proceeding](https://apps.cpuc.ca.gov/apex/f?p=401:5:0::NO:RP,5,RIR,57,RIR) at: <https://apps.cpuc.ca.gov/apex/f?p=401:5:0::NO:RP,5,RIR,57,RIR>.

<sup>77</sup> D.19-05-042 at 107, provides that: electric utilities must submit a post-event report to the Director of SED within 10 business days of power restoration and serve the post-event report on the service lists of in R.18-12-005 and R.18-10-007 or their successor proceedings. The post-event reports relied upon by SED are included in the Attachments to the SED Report and were attached to a [June 10, 2020 ALJ email ruling in I.19-11-013](#) and also available on the Commission's website at: <https://docs.cpuc.ca.gov/SearchRes.aspx?DocFormat=ALL&DocID=339545396>.

<sup>78</sup> D.19-05-042, Ordering Paragraph 3 at 130-131 mandates the submission of two progress reports to the Director of SED and the service list of R.18-12-005. The reports served to document the progress each utility had made in implementing the PSPS Guidelines in D.19-05-042. For the purposes of the SED Report, more weight was given to the first progress report filed on September 4, 2019, approximately one month prior to the PSPS events under investigation, whereas the second progress report was filed on March 4, 2020. Ordering Paragraph 3 of D.19-05-042 also authorizes SED to request additional progress reports after the initial two ordered. The progress reports relied upon by SED are included in the Attachments to the SED Report and were attached to a [June 10, 2020 email ALJ email ruling in I.19-11-013](#) and

two SED data requests to the utilities<sup>79</sup> and the written comments filed by parties in R.18-12-005 that relate to the PSPS events in late 2019.<sup>80</sup> The SED Report and all the information relied upon by SED to complete this report, as detailed above, was previously entered into the record of this proceeding.<sup>81</sup> Phase 1 of this proceeding closed with the issuance of the SED Report on June 10, 2020.<sup>82</sup>

### **1.11. Phase 2**

On June 8, 2020, the Administrative Law Judge issued a ruling setting a prehearing conference for June 22, 2020. On June 19, 2020, parties filed prehearing conference statements, suggesting issues and proposals for the Commission to consider in this proceeding. These prehearing conference statements are summarized below.

### **1.12. Prehearing Conference**

In its prehearing conference statement, PG&E stated that this proceeding should be closed and the Commission's consideration of the SED Report should be deferred to a later phase of R.18-12-005, after end of 2020 fire season because all relevant PG&E staff is working on 2020 fire season details. PG&E pledges to voluntarily include some additional information, as recommended by SED, in

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also available on the Commission's website at:

<https://docs.cpuc.ca.gov/SearchRes.aspx?DocFormat=ALL&DocID=339545396>.

<sup>79</sup> SED Report at Attachment D, Data Request SED-001 (March 12, 2020) and Data Request SED-002 (March 27, 2020). The data requests relied upon by SED are included in the Attachments to the SED Report and were attached to a June 10, 2020 ALJ email ruling in I.19-11-013 and also available on the Commission's website at:

<https://docs.cpuc.ca.gov/SearchRes.aspx?DocFormat=ALL&DocID=339545396>.

<sup>80</sup> [Comments filed in R.18-12-005](#) are available on the Commission's website at:

<https://apps.cpuc.ca.gov/apex/f?p=401:57:0>.

<sup>81</sup> August 3, 2020 Scoping Memo Phase 2 at 6-7.

<sup>82</sup> August 3, 2020 Scoping Memo Phase 2 at 8.

any future 10-day post-event reports. PG&E suggests that it has already made significant improvements in the past year and will continue to make more improvements in compliance with the latest Commission decision in R.18-12-005, D.20-05-051. In addition, PG&E states that closure of this proceeding is warranted because the *Order to Show Cause* track in R18-12-005 covers all relevant events identified in this proceeding.

SCE points out that the SED Report states that it is “not intended to serve as an adjudicatory-staff investigatory pre-enforcement report [and] not intended to provide an evidentiary record basis to support or countermand any Commission action in this or any related proceeding” and that the scope of this proceeding should be on efforts of utilities to comply with then-existing guidelines.

SDG&E states that the Commission should establish a comment schedule on SED Report and that party comments should address whether “an electric utility’s actions during any one of its PSPS events failed to comply with any Commission decisions, general orders or statutes and whether any necessary actions should be taken to enforce compliance.” SDG&E also suggests that recommendations in the SED Report for changes to PSPS Guidelines should be referred to R.18-12-005.

Acton expresses concerns about telecommunications service in rural areas being unavailable after a few hours during a power shutoff. Acton states that SCE must identify public safety risks and make sure those risks are outweighed by the benefits of a de-energization. Acton emphasizes that SCE must account for the unique needs of rural customers, especially rural communities that rely on electric water wells, when SCE decides to shut off power. Acton also points out

that SCE has not clarified the extent its mitigation measures will actually reduce the incidence and impacts of PSPS events.

CalCCA expresses concern that the SED Report is characterized as a preliminary report and urge the Commission to establish a procedure to enhance the report with appropriate action, including undertaking more extensive information collection and verification. According to CalCCA, the Commission should open a pre-enforcement investigation phase of this proceeding based on initial review set forth in the SED Report. CalCCA emphasizes that the Commission must determine whether the power outages were actually used to protect public safety (and thus were initiated *only* when the public safety benefits clearly outweighed the reasonably foreseeable costs and harms created by de-energizing.) CalCCA also urges the Commission to establish a penalty phase of this proceeding.

CLECA states that, in terms of process, the Commission should permit comments and hold a workshop on the SED Report.

The City and County of SF stated that the scope of this proceeding should include whether owners of critical facilities and local government officials in cities and counties neighboring adjacent to affected jurisdictions received adequate advance notice of the PSPS event to provide aide and assistance, as needed. The City and County of SF also stated that the Commission should consider whether a utility's decisions in 2019 to shut off power to prevent wildfires were only made when absolutely necessary and based on actual and substantiated conditions.

Western States Petroleum Association (WSPA) and the Energy Producers and Users Coalition (EPUC) states that the Commission should permit comment on the SED Report.



Cal Advocates stated that, in this proceeding, the Commission should make sure the utilities complied with all the PSPS Guidelines and impose penalties if they failed.

Joint Communications Parties stated that the Commission should review the utilities' past conduct and identify areas of improvement of PSPS Guidelines, which should then be considered in R.18-12-005. The Joint Communication Parties stated that comments and a workshop would probably be sufficient for this proceeding but hearings should remain an option. The Joint Communication Parties stressed the importance of addressing the timing and content of proactive power shutoff notifications and the problems encountered by public safety partners, including communications service providers.

Joint Local Governments also urged the Commission to complete the work it set out to do when it opened this proceeding. It also stated that the SED Report identified some significant failures and should form the basis for another phase of this proceeding to hold the utilities accountable for their failures during the 2019 de-energization events. Joint Local Governments stated that the Commission should also undertake in R.18-12-005 the formal reasonableness review requested in the *Joint Motion Requesting Commission Review of PSPS Post-Event Reports* filed in R.18-12-005 on June 15, 2020.

The Mussey Grade Road Alliance (Mussey Grade) stated that the SED Report is incomplete and failed to consider all comments in the proceeding. Mussey Grade further stated the Commission should direct a consultant to follow up on issues identified in the SED Report, permit party comments on the SED Report, and stressed the critical importance that utilities more fully describe the decision criteria for proactive power shutoffs in post-event reports.

CforAT stated that, consistent with the recommendation in the SED Report, the Commission should hire a consultant to develop a tool to identify and consider the risks of de-energization to ensure that the utilities' decisions to proactively shutoff power considers such risks. CforAT expressed concern that the SED Report did not include an assessment as to whether the utilities' decisions to shut off power in 2019 were a reasonable exercise of their discretion under the Public Utilities Code.

The City of San Jose suggested that recommendations in the SED Report for changes to the PSPS Guidelines be referred to R.18-12-005. City of San Jose also requested the Commission address the reasonableness of the utilities' decisions to proactively de-energize for each PSPS event in R.18-12-005 in this proceeding. City of San Jose further stated the Commission should provide SED with the resources necessary to conduct a complete investigation into the challenges the SED Report identified during 2019 and direct SED to retain a consultant to quantify the benefits and impacts of the decisions to proactively de-energize. Lastly, City of San Jose stated the Commission must address enforcement issues.

SBUA stated the Commission must determine whether the utilities limited the use of proactive de-energizations to a measure of last resort and the Commission should hire a consultant, consistent with the recommendation in the SED Report, to research, develop, and incorporate probabilistic wildfire spread and consequence modeling into an analysis of each PSPS event and to develop a tool to perform an assessment of the public safety risks and economic impacts resulting from each PSPS event.

TURN stated the SED Report fails to contain the necessary assessment explicitly required by the Commission in I.19-11-013. TURN states the report

was supposed to assess compliance with PSPS Guidelines but according to TURN, the report actually states that SED did not assess non-compliance because a compliance investigation would require much more extensive information. TURN urged the Commission to require SED to compile a comprehensive compliance report. This assessment, TURN suggested, can be performed either by a consultant or by the submission of testimony by parties and utilities with evidentiary hearings. TURN suggested the Commission prioritize one issue - whether and how the utilities determined that the benefit of de-energization outweighed potential public safety risks. Without such an assessment of compliance, TURN stated the utilities will continue to perform PSPS events as “they wish, and a repeat of the mass power shutoffs in 2019 is likely to occur again in 2020 and beyond.” Lastly, TURN stated this proceeding should focus on compliance and the remedy, if necessary, for non-compliance.

UCAN stated this proceeding should focus on compliance in 2019 and that a subsequent phase of this proceeding may be required should non-compliance be found.

On June 22, 2020, a telephonic PHC was held in this proceeding to discuss the proposed issues for consideration, the next procedural steps, and obtain additional information from parties for phase 2 of the proceeding.

### **1.13. Scoping Memo**

On August 3, 2020, the Assigned Commissioner issued a *Scoping Memo and Ruling* (Scoping Memo) in this proceeding, which set forth the issues, schedule, and process to be relied upon for phase 2, herein. The August 3, 2020 Scoping Memo set forth the following two issues for consideration in phase 2:

1. *Evaluation of the Implementation of 2019 PSPS Events.* Did PG&E, SCE, and SDG&E in October and November 2019 comply with the criteria set

forth in D.19-05-042 and other applicable laws and regulations when proactively deenergizing and re-energizing their power lines?

2. *Corrective Action based on 2019 PSPS Events.* What corrective actions should the Commission require of PG&E, SCE, and SDG&E for any failure in late 2019 to comply with the then-existing PSPS Guidelines?

#### **1.14. Opening Comments**

On September 2, 2020, respondents, PG&E, SCE, and SDG&E, filed opening comments on the issues set forth in the August 3, 2020 Scoping Memo and on the accompanying SED Report. On October 16, 2020, the following parties filed comments in this proceeding: Acton, Mussey Grade, CforAT, Joint Communications Parties, TURN, Joint CCAs, Cal Advocates, City of San Jose, Joint Local Governments, and SBUA. The substance of these comments is included in the below discussion.

#### **1.15. Reply Comments**

On November 16, 2020, respondents, PG&E, SCE, and SDG&E, and the following parties filed reply comments: Acton, Mussey Grade, TURN, CforAT, Joint Communications Parties, UCAN, Cal Advocates, City of San Jose, Joint CCAs, Joint Local Governments, and SBUA. The substance of these comments is included in the below discussion.

#### **1.16. No Evidentiary Hearings and the Record**

No evidentiary hearings were held in phase 2 of this proceeding. The record of this proceeding consists of written comments filed and served by the respondent utilities and parties, as noted above. The record of this proceeding also includes the SED Report and all the supporting documents.

### **2. Jurisdiction**

The California Constitution and Pub. Util. Code provide the Commission with broad jurisdiction to adopt and enforce regulations regarding the safety of

utility facilities and operations.<sup>83</sup> Utilities are required by Pub. Util. Code § 702 to “obey and comply” with such requirements.<sup>84</sup> Moreover, the Commission has broad authority to implement safety requirements for utilities under Pub. Util. Code § 451.<sup>85</sup>

Moreover, well-established precedent confirms that the obligation of utilities to “promote safety” under Pub. Util. Code § 451 is “absolute”<sup>86</sup> and is a longstanding requirement since and before its enactment in 1951.<sup>87</sup> Enacted in 1911, the predecessor to Pub. Util. Code § 451, Public Utilities Act, Art. II, Sec. 13(b), also required utilities to promote safety.<sup>88</sup> It is well-established that using Pub. Util. Code § 451 as a basis for finding safety violations does not go against legislative intent.<sup>89</sup>

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<sup>83</sup> California Constitution, Article XII, §§ 3 and 6, and Pub. Util. Code §§ 216, 701, 761, 768, 770, 1001, 8037 and 8056; *See, San Diego Gas & Electric Company v. Superior Court* (1996) 13 Cal.4th 893, 923-924.

<sup>84</sup> *See*, Pub. Util. Code §§ 761, 762, 767.5, 768, and 770.

<sup>85</sup> D.20-07-011, *Decision Adopting Wireless Provider Resiliency Strategies* (July 16, 2020) at 16-17.

<sup>86</sup> D.15-04-021 at 51; *see* D.15-04-024 at 188-89: “We fully concur with the proposition that a public utility should make safety the highest priority, even at the expense of shareholder returns. This reflects our view that the requirement of Pub. Util. Code § 451 to “furnish and maintain such adequate, efficient, just, and reasonable service, instrumentalities, equipment, and facilities... as are necessary to promote the safety ... of its patrons, employees, and the public” is absolute and cannot be compromised by shareholder return considerations; *see* D.15-04-024, at 190: “As we noted in Section 7.1.2.13 above, the absolute safety obligation created by Pub. Util. Code § 451 means that PG&E must spend whatever is necessary for safe operations and practices without regard to whether operational savings have been achieved.”

<sup>87</sup> D.15-04-021 at 27.

<sup>88</sup> D.15-04-021, at 27: “Similarly, California Public Utilities Act, Article II Sec. 13(b), which was in effect from 1911 to 1951, required that ‘every public utility shall furnish, provide and maintain such service, instrumentalities, equipment and facilities as shall promote the safety, health, comfort and convenience of its patrons, employees and the public.’”

<sup>89</sup> D.15-04-021 at 53.

Additional support for the state policy requiring safe electric utility operations and the duty for the Commission to ensure safe and reliable electric service is found in Pub. Util. Code § 399.2(a).<sup>90</sup>

Pursuant to this authority, the Commission reviews the use of proactive power shutoffs by PG&E, SCE, and SDG&E in late 2019 as a wildfire mitigation measure to protect public safety.

### **3. Standard of Review**

In setting forth the standard of review for this proceeding, the Commission states that, as previously determined, information of unsafe utility practices that would put a *reasonable person on notice* is sufficient to put a utility on notice of a violation of Pub. Util. Code § 451.<sup>91</sup> “The question is whether, based on the notice provided, reasonable persons would know that their conduct is at risk.”<sup>92</sup> Moreover, a utility can be found to have knowingly violated the broad safety obligations of Pub. Util. Code § 451 without a specific statute, rule, or order barring the conduct.<sup>93</sup>

### **4. Burden of Proof**

“[A] utility must show that its actions, practices, methods, and decisions show reasonable judgment in light of what it knew or should have known at the

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<sup>90</sup> D.13-03-032, at 43, citing Pub. Util. Code § 399.2(a)(1) at footnote 58: “See Publ. Util. Code §§ 399(b), 399.2(a) and 399.8(a);” D.02-04-055, at 35, footnote 10: “§399.2(a.);” D.09-09-030, at 78-81; and D.19-05-042 at 9. Several decisions also state the same or similar phrase, such as Resolution ESRB-8, D.09-08-030, D.12-04-024, and D.20-05-051.

<sup>91</sup> D.99-04-029 at 19; D.19-04-049 at 17-18: “The question is whether, based on the notice provided, reasonable persons would know that their conduct is at risk.”

<sup>92</sup> D.19-04-049 at 17-18.

<sup>93</sup> *Pacific Bell Wireless (Cingular) v. PUC*, 140 Cal. App. 4th 718 (Cal. App. 4th Dist. June 20, 2006).

time, and in the interest of achieving safety.”<sup>94</sup> Evidence of accepted industry practices will often be relevant to a reasonableness inquiry, but compliance with such practices will not relieve the utility of the burden of showing that its conduct was reasonable.<sup>95</sup> In the context of PSPS events, in Resolution ESRB-8, the Commission stated that under its reasonableness review, SDG&E’s “burden of demonstrating that its decision to shut off power is necessary to protect public safety” and other reasonableness factors “shall apply to all electric IOUs.”<sup>96</sup>

## **5. Organization of Decision**

The next several Sections of this decision are organized by topics.

In Section 6, we address an argument relied upon by the utilities throughout this proceeding to justify their level of compliance with the PSPS Guidelines and the reasonableness of their conduct related to the proactive power shutoffs of late 2019. This argument is that the utilities, following the Commission’s decision in May 2019 adopting the PSPS Guidelines, lacked sufficient time to prepare for the late 2019 events.

In Section 7, we address critical aspects and the reasonableness of the decision-making process relied upon by utilities immediately prior to proactively shutting off electric power to mitigate the potential for catastrophic wildfire and whether this process complied with the PSPS Guidelines. In Section 7.1., we review whether the utilities balanced the harms against the benefits of a PSPS

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<sup>94</sup> D.18-07-025 at 5.

<sup>95</sup> D.94-03-048 at 37.

<sup>96</sup> Resolution ESRB-8 (July 12, 2018) at 4-5: “SDG&E has the burden of demonstrating that its decision to shut off power is necessary to protect public safety, “and “The reasonableness review discussion in D.12-04-024 and detailed above shall apply to all electric IOUs.” See D.12-04-024 at 30.

event, before de-energizing. In Section 7.2., we review whether the utilities relied upon de-energization as a mitigation measure of last resort.

In Section 8, we review the utilities' compliance with the law, rules, and regulations that governed utilities when preparing for, during, and after a PSPS event, such as prior notice to customers, communications with public safety partners, and restoring electricity. These law, rules, and requirements are sometimes referred to herein as "event specific" guidelines.

In Section 9, we review the utilities' compliance in 2019 with the laws, rules, and regulations that governed those aspects of proactive power shut offs not connected to an actual PSPS event, such as identifying public safety partners and critical facilities and infrastructure in advance of an event, establishing primary and secondary contact information for critical facilities and infrastructure in advance of an event, updating contact information for Medical Baseline customers in advance of an event. These laws, rules, and regulations are sometimes referred to herein as "non-event specific" guidelines.

In Section 10, we review the utilities' compliance in 2019 with the reporting requirements related to PSPS events, including the 10-day post-event reports.

## **6. Adequate Time to Prepare for Late 2019 Proactive Power Shutoffs**

As a preliminary matter, we address an argument made by PG&E and SCE related to the proactive power shutoffs of late 2019 to justify the extent, or lack of, compliance with the governing law, rules, and regulations. These utilities argue, to different degrees, they did not have adequate time to prepare before the onset of the 2019 fire season.

### **6.1. SED Report – Adequate Time to Prepare**

The utilities raised this argument in comments filed in the proceeding in September and November 2020, after SED issued its report. Therefore, the SED



Report does not directly address the utilities' argument that their lack of time to implement D.19-05-042 excused any noncompliance. However, the SED Report does identify a number of areas of substantial concern and large gaps in the information provided by the utilities and suggests these deficiencies were due to "delay in implementing the Guidelines."<sup>97</sup>

For example, the SED Report finds "delay in implementation" contributed to the following: (1) failure to consider public safety risks, as none of the utilities' 10-day post-event reports and progress reports included a comprehensive list of the public safety risks considered;<sup>98</sup> (2) failure to provide notice, as SCE's webpage did not provide in-language PSPS information to the non-English speaking public;<sup>99</sup> (3) failure to prepare, as PG&E appears to have failed to coordinated with first/emergency responders and local jurisdictions regarding backup power needs;<sup>100</sup> (4) failure to coordinate with public safety partners, as PG&E and SCE did not include water and communications infrastructure providers in their emergency operations centers and, as a result, critical facilities lost power and may not have had the backup power necessary to maintain emergency communications or provide water to the public;<sup>101</sup> (5) failure to communicate critical information to public safety partners, as PG&E and SCE failed to provide to public safety partners with accurate Geographic Information System (GIS) shapefiles, depicting the potential de-energization areas, which are

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<sup>97</sup> SED Report at 81.

<sup>98</sup> SED Report at 81.

<sup>99</sup> SED Report at 81.

<sup>100</sup> SED Report at 82.

<sup>101</sup> SED Report at 82.

vital for public safety partners to fully understand the impact on critical facilities and to mitigate negative impacts on the public;<sup>102</sup> and (6) failure to install sufficient equipment, as all the utilities lacked sufficient equipment to promote situational awareness which could have resulted in uninformed decisions to de-energize.<sup>103</sup>

These are some of the examples used by the SED Report to demonstrate that the utilities were unprepared, in many respects, to rely on proactive power shutoffs as a wildfire mitigation measure in 2019. The SED Report does not comment upon the persuasiveness of the utilities' argument that their failure to fully prepare was a result of the Commission's issuance of D.19-05-042 just a few months before the start of the 2019 wildfire season.

## **6.2. Utilities – Adequate Time to Prepare**

More specifically, the utilities argue that following the Commission's issuance of D.19-05-042 and before the onset of the 2019 wildfire season, they simply did not have enough time to prepare. The PSPS Guidelines, set forth in D.19-05-042, were adopted in May 2019 and, as the utilities point out, the 2019 wildfire season started just a few months later. This argument forms the backbone of their request for the Commission to find the utilities were – as time permitted – in “substantial compliance” with the PSPS Guidelines in late 2019 and, as a result, that the Commission should find the utilities' conduct sufficient – as time permitted – and excuse any lapses in compliance. The utilities point to the Commission's statement in D.19-05-042 to support their “substantial compliance” argument: “It is expected that the utilities will make every effort to implement

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<sup>102</sup> SED Report at 82.

<sup>103</sup> SED Report at 82.

these guidelines in advance of the 2019 wildfire season; however, the Commission recognizes that some of these guidelines will take additional time to fully deploy.”

### **6.3. Parties – Adequate Time to Prepare**

The parties generally agree with the findings of noncompliance by the SED Report and do not agree with the utilities’ argument of the lack of time to prepare. As summarized by Joint Local Governments:

“The utilities had a significantly longer runway to prepare for de-energization than the time between the issuance of D.19-05-042 and the start of the 2019 de-energization season. And the common-sense preparations – learning about community demographics and critical facilities, coordinating with state and local emergency management officials, and working to understand the on-the-ground impacts of shutting off the power to large swaths of customers – did not require Commission mandates for the utilities undertake them.”<sup>104</sup>

Furthermore, Joint Local Governments state:

“The utilities did not take seriously enough the enormous responsibility that comes with holding the power to de-energize millions of people, and their customers suffered as a result.”<sup>105</sup>

The other parties make the same point.

### **6.4. Discussion – Adequate Time to Prepare**

The Commission is unconvinced by the utilities’ argument that they lacked sufficient time to prepare, based on the utilities’ fundamental obligation to promote the safety of their customers under § 451 of the Pub. Util. Code. We also find the utilities’ argument unpersuasive because, since 2009, the Commission had in place a framework to assist utilities in preparing for these proactive power

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<sup>104</sup> Joint Local Governments October 16, 2020 Opening Comments at 39.

<sup>105</sup> Joint Local Governments October 16, 2020 Opening Comments at 43. (fn. omitted.)

shutoffs. While some of the rules and regulations in Resolution ESRB-8 (July 12, 2018) and D.19-05-042 (May 30, 2019) may have been new for utilities, we review the utilities overall conduct regarding the proactive power shutoffs from the perspective of their fundamental obligation to protect the safety of the public, as argued by many of the parties, and we take into consideration the fact that the Commission, together with the utilities and stakeholders, have been working on wildfire mitigation issues and proactive power shutoffs for approximately a decade.

As far back as 2009, the Commission began to build the framework for these proactive power shutoffs. More than a decade ago, the Commission required that the public harm be identified and weighed against the benefits of these proactive power shutoffs. The Commission also warned utilities that these proactive power shutoffs must only be used as a wildfire mitigation measure of last resort - after all other alternatives were considered.

When the Commission announced more definitive rules and regulations in 2019,<sup>106</sup> only a few months before the proactive power shutoffs at issue here, the utilities had, as far back as 2009, the benefits of clear instructions and policy directives from the Commission to guide their preparations with customers, governments, and communities for the use of proactive power shutoffs as a wildfire mitigation measure. The utilities' arguments they were caught off guard in 2019, did not understand the extent of the possible public harm in 2019, or had inadequate time to better prepare for the events of 2019, are wholly unconvincing.

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<sup>106</sup> D.19-05-042 at Appendix A.

### **6.5. Corrective Action – Adequate Time to Prepare**

No corrective actions are adopted in response to the Commission’s finding that the utilities had sufficient time to prepare for PSPS events before the 2019 wildfire season. However, we rely upon our finding, among other things, in our below analysis of whether the utilities reasonably complied with the 2019 PSPS Guidelines and with Pub. Util. Code § 451 in late 2019.

## **7. Utility Decision-Making Process Immediately Prior to Late 2019 Proactive Power Shutoffs**

Section 7 is organized as follows:

In Section 7.1, we address the topic of the risks and harms related to PSPS events and the laws, rules, and regulations that require utilities, before initiating a PSPS event, to identify public safety risks and weigh the harms of a PSPS event against the potential for catastrophic wildfire caused by utility infrastructure.

In Section 7.2, we address the topic of the use of PSPS as a mitigation measure of “last resort” and the laws, rules, and regulations the require utilities, before initiating a PSPS event, to consider alternatives to de-energization and only de-energize as a mitigation measure of last resort.

### **7.1. Identify Public Safety Risks and Weigh Harms**

When deciding whether to proactively shut off electric power to customers to mitigate the potential for catastrophic wildfire due to utility infrastructure, a utility must first engage in a critical analysis: identify and consider the safety risks to the public from shutting off electric power; and, after the utility identifies and considers these safety risks, then the utility must weigh the risks of a PSPS event against the benefits of initiating a PSPS event. The directive to weigh these harms and benefits has been part of the Commission’s framework for proactive

de-energizations since 2012,<sup>107</sup> and later affirmed in 2018 and 2019.<sup>108</sup> In 2019, the Commission again affirmed this requirement in D.19-05-042, stating utilities must “provide [in the 10-day post-event reports] an explanation of how the utility determined that the benefit of de-energization outweighed potential public safety risks.”<sup>109</sup> This directive that utilities must evaluate and weigh the public safety risks prior to a proactive de-energization is founded on their obligation to promote the safety of their customers in Pub. Util. Code § 451.

Below we review whether the utilities reasonably complied with this directive to identify, consider, and weigh the safety risks to the public from shutting off electric power against the benefits of initiating a PSPS event. We also review whether the utilities reasonably complied with the related 10-day post-event reporting requirement on this topic. We review the utilities’ reasonable compliance with these directives within the context of their obligation to promote safety under Pub. Util. Code § 451.

#### **7.1.1. SED Report – Identify Public Safety Risks and Weigh Harms**

The SED Report is clear: the utilities failed to account for the safety risks to the public when deciding whether to shut off electric power in late 2019.<sup>110</sup> The SED Report states that no evidence exists that the utilities identified the risks to the public, stating that “Nowhere in the three electric IOUs’ post-event reports and Progress Reports was there a discussion of a comprehensive list of public

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<sup>107</sup> D.12-04-024 at 33.

<sup>108</sup> Resolution ESRB-8 (July 12, 2018) at 5 and D.19-05-042, Appendix A at A24.

<sup>109</sup> D.19-05-042, Appendix A at A24.

<sup>110</sup> SED Report at 56-61.

safety risks considered."<sup>111</sup> On this basis, the SED Report concludes that, in the absence of any effort to identify the risks to the public resulting from shutting off power, the utilities failed to comply with the Commission directive to weigh the risks against the benefits of a PSPS event. In summarizing its findings, the SED Report states,

"The main focus of the utilities' decision to de-energize appeared to be reducing wildfire risks, which, while important, was not weighed against the impact on the public [of shutting off power]. The apparent delay in conducting the proper research in order to meet the requirement to consider all public safety risks, in addition to potential wildfires, appears to have led to numerous issues..., such as losing critical water facilities and all methods of communication, ineffective notifications for people/communities with access and functional needs, inadequate resources provided to mitigate PSPS impacts, etc."<sup>112</sup>

#### **7.1.2. Utilities – Identify Public Safety Risks and Weigh Harms**

The utilities disagree with the conclusion of the SED Report and state, to various degrees, that they actually did identify the safety risks to the public resulting from shutting off power and did weigh these risks in determining whether to initiate a PSPS event. In terms of the related reporting requirement, the utilities do not contest the SED Report's conclusion that the utilities failed to provide documentation of this critical exercise in post-event reporting.

In addition, PG&E suggests the issue here solely relates to the adequacy of its reporting and that matters pertaining to the 10-day post-event reports, such as identification of public safety risks, should be deferred to R.18-12-005.<sup>113</sup>

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<sup>111</sup> SED Report at 81.

<sup>112</sup> SED Report at 81.

<sup>113</sup> PG&E September 2, 2020 Opening Comments at 24.

SCE states it worked closely with county emergency management offices prior to the 2019 PSPS events to identify potential public safety concerns and continues to coordinate with these agencies to mitigate risks throughout a power shutoff.<sup>114</sup> SCE further urges the Commission to reject parties' "meritless accusations," which incorrectly claim SCE did not appropriately consider public safety or weigh the costs and benefits of de-energization in decisions to de-energize.<sup>115</sup>

SDG&E provides slightly more information in response to the SED Report, stating that it sought to balance the risk that weather and other conditions may contribute to ignitions against the inconvenience and hardship customers face from power shutoffs.<sup>116</sup> SDG&E explains that it seeks to mitigate the public safety impacts of PSPS events through significant communications with customers and public safety partners, to ensure customers are prepared during these periods of extreme wildfire risk, with communications plans, generator programs and customer resource centers.<sup>117</sup>

### **7.1.3. Parties – Identify Public Safety Risks and Weigh Harms**

The parties overwhelmingly state that, based on their experience and their review of the 10-day post-event reports, all the utilities failed to adequately, or completely failed to, weigh the public safety risks of shutting off electricity prior to the events in late 2019. The parties also overwhelmingly suggest that this failure was due, in large part, to the fact that PG&E and SCE never even sought

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<sup>114</sup> SCE September 2, 2020 Opening Comments at 32.

<sup>115</sup> SCE November 16, 2020 Reply Comments at 6.

<sup>116</sup> SDG&E September 2, 2020 Opening Comments at 30.

<sup>117</sup> SDG&E September 2, 2020 Opening Comments at 30.



to identify the specific harms the public could potentially suffer due to a power shutoff. The parties suggest SDG&E performed better than PG&E and SCE in terms of identifying public risks related to shutting off the power but that SDG&E's performance was still unacceptable. The SED Report captures, in detail, many of the complaints and observations by parties related to this issue and we do not repeat those here.<sup>118</sup> This decision focuses on comments filed by parties in response to the SED Report.

In addressing this topic, Joint CCAs summarize the problem presented in 2019, as follows: “[I]n order to establish that an outage is necessary to protect public safety, an IOU must identify and estimate/quantify all reasonably foreseeable outage risks, and conduct a balancing analysis to ensure that the wildfire risks avoided by cutting power clearly outweigh the unmitigated outage risks created by de-energizing.”<sup>119</sup> The utilities failed to do so, according to Joint CCAs, particularly PG&E, but SCE and SDG&E also underperformed.<sup>120</sup> “PG&E’s ‘customer impact’ considerations in these [post-event] reports were limited to acknowledging of the number of customers (including critical and Medical Baseline customers) who would lose power as a result of the outage, without any further attempt to assess or quantify outage risks or to weigh outage risks against wildfire risks. Further, the analysis does begin to mention the direct impacts to local governments, emergency responders, and community-based

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<sup>118</sup> SED Report at 56-61.

<sup>119</sup> Joint CCAs October 16, 2020 Opening Comments at 4.

<sup>120</sup> Joint CCAs October 16, 2020 Opening Comments at 6.

organizations that had to rally to provide support, care and basic needs for tens of thousands of people who were without power. "<sup>121</sup>

Mussey Grade fully agrees with Joint CCAs and the SED Report regarding the utilities' lack of effort to identify customer and public harm from proactive de-energization. Joint CCAs and Mussey Grade point out that the failure of the utilities to identify risks and harms from a power shutoff was a "critical" failure. Mussey Grade also emphasizes the failure of the utilities to articulate the threshold for initiating a PSPS event.

In terms of weighing the risks and benefits of a power shutoff, Cal Advocates states all three utilities failed to fully describe how they weighed the benefits of de-energization against the public safety risks in their decision-making process.<sup>122</sup> SBUA is more direct, stating the utilities' shallow answers regarding the "weighing of public safety are actually quite telling; the problem is that they never undertook the required analysis."<sup>123</sup>

Specifically regarding PG&E, Joint Local Governments found that its 10-day post-event reports failed to provide a meaningful discussion of how PG&E determined that the benefit of de-energization outweighed the potential public safety risks.<sup>124</sup> Similarly, TURN concludes that, after engaging in probative discovery, PG&E did not conduct a cost benefit analysis and does not have any supporting documents or workpapers.<sup>125</sup> Joint CCAs agrees, stating

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<sup>121</sup> Joint CCAs October 16, 2020 Opening Comments at 5-6.

<sup>122</sup> Cal Advocates October 16, 2020 Opening Comments at 34.

<sup>123</sup> SBUA November 16, 2020 Reply Comments at 2.

<sup>124</sup> Joint Local Governments October 16, 2020 Opening Comments at 31-32.

<sup>125</sup> TURN October 16, 2020 Opening Comments at 3.

that “[i]n order to determine that the benefit of de-energization outweighed potential public safety risks, PG&E would have needed to, but did not, conduct an analysis that considers the number of people that would be impacted by the PSPS event, the potential duration of the PSPS event, the potential safety risks for the affected population (particularly the vulnerable), and other factors.”<sup>126</sup>

Regarding SCE, Joint Local Governments state that SCE did not provide the required information about its decision-making process, whether it weighed the potential public safety harms of de-energization (or even understood them), or why the alternatives to de-energization were not viable.<sup>127</sup>

Regarding SDG&E, TURN concludes, again after probative discovery, that SDG&E did not conduct a cost benefit analysis and does not have any supporting documents or workpapers.<sup>128</sup> CforAT states “SDG&E’s strategy continues to be to minimize and deflect any risks or problems with its process for turning off the power, and to assert that everything is fine...and shunting the responsibility to others.”<sup>129</sup> SBUA states SDG&E’s “bald assertions of compliance” fails to demonstrate or illustrate compliance with the requirement to consider harms and that SDG&E violated the D.19-05-042 in this regard.<sup>130</sup> UCAN states SDG&E unilaterally and arbitrarily decided that the risk of a wildfire far outweighs the

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<sup>126</sup> Joint CCAs October 16, 202 Opening Comments at 4.

<sup>127</sup> Joint Local Governments October 16, 2020 Opening Comments at 32.

<sup>128</sup> TURN October 16, 2020 Opening Comments at 6.

<sup>129</sup> CforAT October 16, 2020 Opening Comments at 14-15.

<sup>130</sup> SBUA October 16, 2020 Opening Comments at 9.

costs of a power outage without conducting or providing analysis or evidence to support this assertion.<sup>131</sup>

#### **7.1.4. Discussion – Identify Public Safety Risks and Weigh Harms**

In 2019, the PSPS Guidelines, the Commission's decisions, and the utilities' obligation to "promote safety" set forth in § 451 of the Pub. Util. Code established a framework for protecting the safety of customers in the event of the need to shut off power to avoid a catastrophic wildfire. A key component of this framework required utilities to identify, evaluate, weigh, and report the potential safety risks resulting from a PSPS event.

Based on the evidence presented, all three of the utilities largely (1) failed to identify the possible safety risks resulting from an electric power shutoff – including obvious risks to school children, those medically dependent on electricity, as well as businesses and (2) failed to evaluate these safety risks as part of the analysis of weighing the benefits and risks/harms before deciding whether to shut off electric power to mitigate the potential for wildfire caused by utility infrastructure.

TURN's analysis was particularly persuasive. TURN focused its resources on the single question of how the utilities "determined that the benefit of de-energization outweighed potential public safety risks." TURN states that, at the conclusion of its discovery on this issue, it was:

"exceedingly clear that the IOUs have not complied with this requirement. In fact, the IOUs have not even attempted to comply with this requirement. Rather, as shown below, the IOUs have

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<sup>131</sup> UCAN October 16, 2020 Opening Comments at 3.

arbitrarily declared that the benefits of de-energization outweighed potential public safety risks without conducting any analysis.”<sup>132</sup>

The importance of this threshold question cannot be overstated. Non-compliance with this requirement may have resulted in more PSPS events than necessary in 2019, which would have been harmful to the public. PG&E, SCE, and SDG&E made little or no effort to even contest these findings by parties and the SED Report.

Accordingly, consistent with the SED Report and the statements by parties, we find that in late 2019, the utilities focused on the risks and harms related to wildfire, which, while critical, was only part of the necessary analysis. To uphold the utility obligation to promote safety under § 451 of the Pub. Util. Code and comply with the PSPS Guidelines, the utilities needed to identify, evaluate, weigh, and report the potential for harm to their customers resulting from a proactive de-energization. As such, we find that in late 2019, PG&E, SCE, and SDG&E failed to reasonably comply with the requirement in the 2019 PSPS Guidelines to identify, evaluate, and weigh the potential for harm to their customers resulting from a proactive de-energization. In failing to reasonably comply with the requirement to identify, evaluate, and weigh the potential for harm to their customers resulting from a proactive de-energization, PG&E, SCE, and SDG&E failed to comply with the obligation in Pub. Util. Code § 451 to promote safety of customers. In addition, we find that, due to the absence of sufficient detail, PG&E, SCE, and SDG&E failed to comply with the related 10-day post-event reporting requirement in the PSPS Guidelines on this issue.

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<sup>132</sup> TURN October 16, 2020 Opening Comments at 2.

### **7.1.5. Corrective Action - Identify Public Safety Risks and Weigh Harms**

The SED Report and the parties make a number of suggestions regarding Commission remedies in response to the failures by the utilities in 2019 to identify, evaluate, weigh, and report public safety risks and harms of the PSPS events. The SED Report and some parties suggest modifications to the utilities' PSPS protocols; other parties suggest a range of monetary remedies, including significant penalties. Many parties urge the Commission to adopt large monetary penalties, either in this phase of the proceeding or in a future phase of the proceeding. The need for monetary penalties – to provide accountability and improved compliance – was one of the most pressing concerns of parties.

The SED Report focuses primarily on how PG&E could improve its PSPS protocols. The SED Report suggests that PG&E coordinate with stakeholders and public safety partners to identify essential services and assess the potential public safety risks posed by de-energization. In addition, the SED Report states PG&E should document in a report its efforts to identify essential services and the public safety risks considered to determine the benefit of de-energization outweighed the potential public safety risks.<sup>133</sup> The SED Report does not recommend monetary remedies, such as penalties.

Many of the parties focus on the need for utilities to more thoroughly address in the 10-day post-event reports the public safety risks considered in connection with a PSPS event. For example, Mussey Grade recommends the Commission be as prescriptive as possible in detailing what information it expects utilities to provide in these reports and, in addition, aggressively pursue

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<sup>133</sup> SED Report at 56-61.

the need for utilities to identify and quantify customer and resident risks and harms from de-energization in an appropriate proceeding, such as R.18-12-005.<sup>134</sup> Mussey Grade also states that some of the shortcomings associated with the utilities' lack of transparency in their decision-making process have already been addressed by D.20-05-051.<sup>135</sup>

Similarly, Cal Advocates states that the utilities should be required to clearly explain in the 10-day post-event reports risk models, risk assessment processes, cost-benefit analysis, and provide further documentation on how the power disruptions to customers and the general public is weighed against the benefits of a proactive de-energization.<sup>136</sup> Cal Advocates further states that, in response to its discovery request, SDG&E was able to provide a detailed description of the criteria and analysis used to determine whether to initiate a de-energization and described the processes to assimilate a multitude of criteria into a decision on whether or not the risk is great enough to de-energize.<sup>137</sup> Cal Advocates recommends SDG&E provide this level of detail of its criteria and analysis when reporting on the decision-making process in its future post-event reports.<sup>138</sup>

In addition to, or instead of, improved PSPS protocols, many parties suggest the Commission impose monetary remedies, such as penalties under Pub. Util. Code §§ 2107 and 2108, to send a strong message to the utilities that

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<sup>134</sup> Mussey Grade October 16, 2020 Opening Comments at 12.

<sup>135</sup> Mussey Grade October 16, 2020 Opening Comments at 12.

<sup>136</sup> Cal Advocates October 16, 2020 Opening Comments at 36.

<sup>137</sup> Cal Advocates October 16, 2020 Opening Comments at 34.

<sup>138</sup> Cal Advocates October 16, 2020 Opening Comments at 34.

both their evaluation of, and reporting in, 2019 of public safety risks were wholly inadequate. Parties also suggest a monetary remedy is needed to prevent utilities from failing in the future to consider and weigh public safety risks against the benefits of the PSPS event. Parties also urge the Commission to adopt monetary remedy to somehow compensate customers for enduring the 2019 PSPS events, through bill credits or PSPS-related cost disallowances. PG&E has already voluntarily provided bill credits to some customers affected by its 2019 PSPS events.

Based upon the comments by parties, we are particularly concerned about deterring future utility noncompliance with Pub. Util. Code § 451 and the critical guideline to identify, evaluate, weigh, and report public risks. Because the utilities' failures in 2019 to reasonably identify, evaluate, weigh, and report public risks were grossly deficient and even non-existent, we find that a monetary remedy is appropriate.

In crafting a monetary remedy, we also seek to address our concern about the extent of the harm experienced by customers as a result of the 2019 PSPS events. While under appropriate circumstances, and consistent with the PSPS Guidelines, utilities may initiate PSPS events, the utilities in 2019 did not reasonably comply with the critical guideline to identify, evaluate, weigh, and report public risks. This requirement has existed since 2012 and is fundamental to the utilities' legal obligation to protect the public safety under Pub. Util. Code § 451. Moreover, as we mentioned above, if utilities had engaged in this analysis, their implementation of the 2019 PSPS events may have been more targeted and the resulting harms to customers may have been reduced.

In crafting a monetary remedy, our jurisdiction is, generally, limited to penalties, rate adjustments, bill credits, or other adjustments to a utility's



ratemaking mechanisms. The Commission does not have jurisdiction to award damages to utility customers for losses of, for example, personal property, damage to real estate, lost wages, business losses, emotional distress, or personal injury. Furthermore, Commission authority to adjust collected rates is limited by the certain restrictions prohibiting retroactive ratemaking.

In this proceeding, while the Commission has jurisdiction to impose penalties under Pub. Util. Code §§ 2107 and 2108 for the utilities' conduct in 2019, we are reluctant to impose monetary penalties because, in striking a balance between the need in 2019 for utilities to initiate PSPS events in response to evolving, dangerous conditions against the equally compelling need to conduct PSPS events in a safe manner, we find that, rather than adopt penalties, we should adopt a remedy to create ongoing incentives for utilities to improve their conduct related to their decision-making process leading up to initiating future PSPS events and only use power shutoffs as a mitigation measure of last resort.

For all these reasons, we find that a ratemaking remedy, in the form of a future downward rate adjustment for customers with the amount of the downward adjustment tied to the duration and scope of any future PSPS events will serve to address the Commission's concerns discussed above and recognize the undue harms caused to customers by overly broad PSPS events. To minimize the complexity of this ratemaking remedy, this downward rate adjustment will not apply retroactively but, instead, apply starting on the effective date of this decision..

The adopted ratemaking remedy will prevent utilities from recovering from customers any undercollections of authorized revenue requirement due to the lower volumetric sales caused by a power shutoff during a PSPS event,

thereby providing all customers with lower rates based on the duration and scope of the PSPS event.<sup>139</sup> The utilities will continue to recover all authorized costs and expenses related to preparing for and initiating PSPS events, such as training, operational facilities, staffing, outreach, technology, and other costs and expenses.<sup>140</sup>

The ratemaking remedy we adopt is as follows:

PG&E, SCE, and SDG&E shall forgo collection in rates from customers of all authorized revenue requirement equal to estimated unrealized volumetric sales and unrealized revenue resulting from PSPS events after the effective date of this decision. Additionally, PG&E, SCE, and SDG&E shall (1) agree on one methodology to rely upon in calculating these estimated unrealized volumetric sales and unrealized revenue, (2) include the total amount of estimated unrealized volumetric sales and unrealized revenue resulting from

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<sup>139</sup> On March 10, 2021, the Administrative Law Judge issued a ruling directing the utilities to provide an accounting of the PSPS events that occurred in their service territories in 2019 and 2020 and an estimate of how those events impacted revenue collections. This ruling is available on the Commission's website at the *Docket Card*. The estimates by the utilities of unrealized revenues due to PSPS events in 2019 and 2020 are as follows: PG&E \$13.8 million in 2019 and \$4.9 million in 2020; SCE \$563,000 in 2019 and \$499,506 in 2020; and SDG&E \$225,551 in 2019 and \$359,757 in 2020. The utility responses detailing their calculation methodologies can be found on the Commission's website at the *Docket Card* on the following links: [PG&E Unrealized Revenue 2019 and 2020](#):

<https://docs.cpuc.ca.gov/PublishedDocs/Efile/G000/M376/K031/376031858.PDF>; [SCE Unrealized Revenue 2019](#) at page 177:

<https://docs.cpuc.ca.gov/PublishedDocs/Efile/G000/M369/K691/369691925.PDF>; [SCE Unrealized Revenue 2020](#):

<https://docs.cpuc.ca.gov/PublishedDocs/Efile/G000/M373/K420/373420325.PDF>; [SDG&E Unrealized Revenue 2019 and 2020](#):

<https://docs.cpuc.ca.gov/PublishedDocs/Efile/G000/M375/K483/375483850.PDF>.

<sup>140</sup> The Commission may also take further actions with regards to the issue of lower volumetric sales during a PSPS in the Energy Resource Recovery Account (ERRA) proceeding or other appropriate proceedings.

PSPS events in the ERRA proceedings addressing the years in which the PSPS events occurred, (3) detail the method of calculating the estimated unrealized sales and unrealized revenue in the ERRA proceedings, (4) report these estimated unrealized sales and unrealized revenue in an annual PSPS report, as addressed by the Commission in R.18-12-005. Regarding any pending ERRA or future ERRA proceeding, the utility shall request via an email to the Administrative Law Judge (and the service list) whether additional testimony is required on this topic and establishes a procedure for submitting this information on an ongoing basis in the ERRA proceeding. The ERRA proceedings, R.18-12-005, or other proceeding may be the appropriate forum to consider further details regarding this directive, such as whether this rate disallowance should be increased to reflect sales, if any, of excess power due to a proactive power shutoff and whether a different methodology or standard methodology should be used by the utilities in calculating this disallowance. This directive to forgo collection in rates of unrealized sales and unrealized revenues shall remain effective until a utility demonstrates improvements in identifying, evaluating, weighing, and reporting public harm when determining whether to initiate a PSPS event.

Furthermore, in response to the above-noted deficiencies in the level of detail provided by utilities in 10-day post-event reports, we find PG&E, SCE, and SDG&E must provide significantly more information and analysis in 10-day post-event reports in the future. We review the 2019 10-day post-event reports in more detail at Section 10, herein, and adopt additional corrective actions based on our review there. We adopt the following corrective action pertaining to reporting of risks and harms from de-energizations below.

PG&E, SCE, and SDG&E shall identify and quantify customer, resident, and the general public risks and harms from de-energization and clearly explain in the 10-day post-event reports risk models, risk assessment processes, and provide further documentation on how the power disruptions to customers, residents, and the general public is weighed against the benefits of a proactive de-energization. PG&E, SCE, and SDG&E shall also

explain, in detail, the threshold established for initiating a PSPS event in the 10-day post-event reports.

## **7.2. Last Resort - PSPS as a Mitigation Measure of Last Resort, Alternatives Considered, and Mitigation Measure Employed**

In 2019, one of the “overarching” PSPS Guidelines stated utilities “must deploy de-energization as a measure of last resort and must justify why de-energization was deployed over other possible measures or actions....”<sup>141</sup> The Commission further addressed the related reporting requirement, stating utilities must justify this “last resort” measure by including in the 10-day post-event reports the “[d]ecision criteria leading to de-energization, ...an evaluation of alternatives to de-energization that were considered and mitigation measures used to decrease the risk of utility-caused wildfire in the de-energized area.” Furthermore, as correctly explained by SBUA, “The purpose of the explanation in the post-events report is not to offer a post-hoc justification but to demonstrate that the IOU actually and seriously made the required reasonableness determination before de-energization.”<sup>142</sup>

Faced with the prospect of wildfire, it was clear in 2019 that the Commission found it critical for utilities to establish, as part of their decision-making process *prior* to initiating a power shutoff, that the power shutoff was the wildfire mitigation measure of *last resort*.<sup>143</sup> Moreover, the “last resort” component of the decision-making process was not new in 2019. The

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<sup>141</sup> D.19-05-042, Appendix A at A1.

<sup>142</sup> SBUA October 16, 2020 Opening Comments at 2-3.

<sup>143</sup> D.19-05-042 at 68; Resolution ESRB-8 (July 12, 2018) at 4; and D.12-04-024 at 30.

Commission first presented the concept of using proactive power shutoffs as a mitigation measure of "last resort" in 2012.<sup>144</sup>

Below we review whether the utilities reasonably complied with the 2019 directive to rely on de-energization as a last resort mitigation measure and to perform an analysis to support the decision to use this last resort mitigation measure, including consideration of alternatives and mitigation measures. We also review whether the utilities reasonably complied with the related 10-day post-event reporting requirements. We review the utilities' reasonable compliance with these directives within the context of their obligation to promote safety under Pub. Util. Code § 451.

#### **7.2.1. SED Report – Mitigation Measure of Last Resort and Alternatives Considered, and Mitigation Measure Employed**

The SED Report does not provide a comprehensive analysis of whether the utilities used proactive power shutoffs as a mitigation measure of last resort in late 2019. Instead, as explained by Mussey Grade "The SED report outline is predominantly oriented towards issues of customer communication, outreach, notifications, and coordination with public safety, community, and communication partners."<sup>145</sup> However, as Mussey Grade explains, while communication, outreach, notification, and coordination are important topics, "[r]eview of utility performance during the autumn 2019 power shutoff events must ... also be oriented towards whether the IOUs made sufficient effort to avoid a power shutoff, whether a power shutoff was indeed a last resort, and

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<sup>144</sup> D.12-04-024 at 30.

<sup>145</sup> Mussey Grade October 16, 2020 Opening Comments at 4-5.

whether they are obtaining sufficient information to allow them to reduce the need for power shutoff in the future.”<sup>146</sup>

The SED Report does not address the overall sufficiency of the utilities’ reporting in their 10-day post-event reports on the use of PSPS as a “last resort” either. The SED Report, does, however, highlight some major deficiencies in how the utilities addressed the concept of “last resort” in their 10-day post-event reports. In reviewing PG&E’s “last resort” analysis, the SED Report makes the observation, that “PG&E provided general information with minimal quantitative supporting data or rationale.”<sup>147</sup> The SED Report finds SCE failed to document how its power shutoffs were used as a last resort mitigation measure, stating that “SCE should document in the report the evaluation of alternatives to de-energization.”<sup>148</sup> Regarding SDG&E, the SED Report provides “SDG&E should document in the report the evaluation of alternatives to de-energization.”<sup>149</sup>

The SED Report provided some analysis on the sufficiency of the utilities’ reporting on this “last resort” and provided little analysis on the utilities’ application of this critical concept.

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<sup>146</sup> Mussey Grade October 16, 2020 Opening Comments at 4-5.

<sup>147</sup> SED Report at 56.

<sup>148</sup> SED Report at 56.

<sup>149</sup> SED Report at 56.

### **7.2.2. Utilities – Mitigation Measure of Last Resort and Alternatives Considered, and Mitigation Measure Employed**

PG&E disagrees with the SED Report.<sup>150</sup> Overall, PG&E states it considered alternatives and presented its alternatives in the 10-day post-event reports.<sup>151</sup> PG&E states, however, that in 2019 only one of its reports included a detailed description of alternatives.<sup>152</sup> In that report, PG&E points to alternatives considered, including clearing of approximately 1,200 hazard trees, pre-patrols on the transmission lines, disabling automatic reclosers, implementing sectionalization.<sup>153</sup> PG&E admits alternatives were not identified in its other 2019 reports, which PG&E describes as "less robust."<sup>154</sup>

SCE states, with no meaningful explanation, that "PSPS is used only when all other options have been exhausted and there are no reasonable alternatives to maintain public safety."<sup>155</sup> SCE acknowledges its failure to provide any explanation of its statement, confirming that, "In 2020, SCE will include additional quantitative data to more comprehensively describe the criteria used in deciding to de-energize, including an evaluation of the alternatives considered."<sup>156</sup>

SDG&E seems to suggest that, facing the imminent threat of wildfire, few alternatives exist. "During PSPS events, SDG&E considers alternatives to de-

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<sup>150</sup> PG&E November 16, 2020 Reply Comments at 27.

<sup>151</sup> PG&E November 16, 2020 Reply Comments at 27.

<sup>152</sup> PG&E November 16, 2020 Reply Comments at 27-28.

<sup>153</sup> PG&E November 16, 2020 Reply Comments at 27.

<sup>154</sup> PG&E November 16, 2020 Reply Comments at 27.

<sup>155</sup> SCE September 2, 2020 Opening Comments at 68.

<sup>156</sup> SCE September 2, 2020 Opening Comments at 56-57.

energization where available such as circuit reconfiguration to minimize outage duration, or the implementation of generators or microgrids as alternatives. Prior to wildfire season, SDG&E conducts comprehensive evaluations of each high-risk circuit prone to PSPS to establish alternatives to de-energization. In most instances, alternatives are associated with hardening efforts, which are longer term alternatives."<sup>157</sup>

### **7.2.3. Parties – Mitigation Measures of Last Resort, Alternatives Considered, and Mitigation Measure Employed**

Overall, parties are not convinced the utilities relied upon de-energization as a last resort mitigation measure in 2019. In part, this conclusion is based on the lack of adequate documentation on this topic in the 2019 10-day post-event reports. The absence of information on this topic is a recurring theme in comments.

Mussey Grade characterizes the 2019 proactive de-energizations as a "go-to" option rather than a mitigation measure of last resort and states that the reporting on this topic was "generally cursory and unconvincing."<sup>158</sup> Joint CCAs argue that, "[f]or an outage to qualify as a PSPS event, the IOU must meet its burden of proving that the outage was initiated as a last resort," which they failed to do.<sup>159</sup> In addressing the concept of last resort, the consideration of alternatives, and the related 10-day post-event reporting requirements, Joint Local Governments express deep concern, stating this reporting requirement is among the most important, "not because they obligate the utilities to report their

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<sup>157</sup> SDG&E September 2, 2020 Opening Comments at 29.

<sup>158</sup> Mussey Grade October 16, 2020 Opening Comments at 5.

<sup>159</sup> Joint CCAs October 16, 2020 Opening Comments at 3.



deliberative processes but because they require the utilities to *have* a deliberative process that fully considers the potential impacts of de-energization. The utilities did not meet their obligations to provide full description of their de-energization decision-making processes, and it appears those failings are because neither utility has a decision-making process that extends beyond just the wildfire risks."<sup>160</sup> Joint Communications Parties emphasize the importance of the last resort analysis, stating that, to limit the significant harms imposed by PSPS events, the scope and duration must be limited to the greatest extent possible and only used as a “measure of last resort” but the utilities “fell short” in that respect in 2019.<sup>161</sup>

#### **7.2.4. Discussion – Mitigation Measure of Last Resort, Alternatives Considered, and Mitigation Measure Employed**

In 2019, PSPS was and remains a wildfire mitigation measure of “last resort.” The Commission’s directive to utilities to use proactive de-energizations *only* as a wildfire mitigation measure of last resort was clearly stated in 2019.<sup>162</sup> In addition to relying on PSPS as a mitigation measure of last resort, the Commission required utilities in 2019 to report on this topic by submitting, as part of their 10-day post-event reports, an explanation of, among other things, why the utility determined this last resort mitigation measure should be relied upon and the alternatives considered. These directives, while stated in the

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<sup>160</sup> Joint Local Governments October 16, 2020 Opening Comments at 30-31. (Emphasis in original.)

<sup>161</sup> Joint Communications Parties October 16, 2020 Opening Comments at 2.

<sup>162</sup> D.19-05-042, Appendix A at A1.

Commission's 2019 decision,<sup>163</sup> were first adopted by the Commission almost a decade earlier, in 2012.<sup>164</sup> As such, the utilities should have been prepared to provide comprehensive reporting on this topic but did not.

The SED Report, for the most part, focused on compliance with the reporting requirement and not on whether the utilities engaged in the "last resort" analysis. Parties, however, overwhelmingly argued the utilities failed to rigorously perform this critical analysis.

The importance of the reporting requirement cannot be overstated. In the absence of adequate reporting of how the utilities relied upon de-energization as a last resort and the alternative considered, the utilities cannot assure the Commission or the public that the utilities are acting in a manner that promotes the safety of the public. Based on the reports submitted for the 2019 de-energizations, neither the Commission nor parties were adequately apprised of the utility decision-making process related to the last-resort analysis and, as a result, customers, governments, businesses, and our vulnerable populations were left uninformed and angry.

For these reasons, based on the record presented for 2019, we find PG&E, SCE, and SDG&E failed to reasonably comply with the directive to include in their 10-day post-event reports the "last resort" analysis and alternatives considered. In addition, in the absence of sufficient information in these 2019 reports to show otherwise, we find PG&E, SCE, and SDG&E failed to reasonably comply with the requirement to perform "last resort" analysis or consider

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<sup>163</sup> D.19-05-042, Appendix A at A1.

<sup>164</sup> D.12-04-024 at 30.

alternatives and, as a result, failed to comply with the directive in Pub. Util. Code § 451 to promote the safety of customers.

In terms of the reporting requirement, we anticipate that going forward, the utilities' reporting shortcomings in 2019 regarding explaining how they used de-energization as a last resort mitigation measure have been addressed by the additional reporting directives adopted in D.20-05-051.<sup>165</sup> Our 2020 decision applies revised and more prescriptive reporting requirements in the 10-day post-event reports on utilities for how they made the decision to de-energize.<sup>166</sup> In D.20-05-051, the Commission required that 10-day post-event reports "shall include a thorough and detailed description of the quantitative and qualitative factors it considered in calling, sustaining, or curtailing each de-energization event (including information regarding why the de-energization event was a last resort option) and a specification of the factors that led to the conclusion of the de-energization event"<sup>167</sup> These 2020 reporting requirements seek to rectify the 2019 deficiencies in the utilities' 10-day post-event reports regarding an explanation of the decision-making process.

However, to further ensure utilities engage in the "last resort" analysis, including consideration of alternatives to a PSPS event, we adopt additional corrective actions below. As part of the corrective actions, we expand upon our directive in D.19-05-042 to the utilities to share best practices and lessons

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<sup>165</sup> D.20-05-051, Appendix A at A9.

<sup>166</sup> D.20-05-051, Appendix A at A9.

<sup>167</sup> D.20-05-051, Appendix A at A9.

learned.<sup>168</sup> The Commission intends to refine its directive to utilities pertaining to sharing best practices and lessons learned, including the related reports, in R.18-12-005.

**7.2.5. Corrective Action – Mitigation Measure of Last Resort, Alternatives Considered, and Mitigation Measure Employed**

PG&E, SCE, and SDG&E shall immediately implement a collaborative effort, to be referred to as the Joint Utility PSPS Working Group, which includes, at a minimum, a monthly joint utility meeting to share all lessons learned and best practices pertaining to the use of proactive de-energizations as a last resort mitigation measure, alternatives considered, a robust reporting format to fully inform and assure the public and the Commission that these matters were adequately considered prior to proactively shutting off power.

PG&E, SCE, and SDG&E shall memorialize each meeting of the Joint Utility PSPS Working Group in a joint report that includes, at a minimum, the date/time, attendees, topics discussed, and action items for each utility. PG&E, SCE, and SDG&E shall jointly file and serve these reports, on or before 14 days after the date of the meeting, in R.18-12-005 or a successor proceeding. The Commission's Safety and Enforcement Division is authorized to require additional topics or further details be included in this report and revised reports filed and served as directed herein.

PG&E, SCE, and SDG&E shall include separate sections in the 10-day post-event reports on the following topics required by D.19-05-042: (1) how the utility used proactive de-energization as a last resort mitigation measure, (2) the alternatives considered, and (3) the mitigation measures employed.

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<sup>168</sup> D.19-05-042, Appendix A at A3, stating "The electric investor-owned utilities must report on lessons learned from each de-energization event, including instances when de-energization protocols are initiated, but de-energization does not occur, in order to further refine de-energization practices. In addition, the utilities must work together to share information and develop best practices across California."

We also seek to encourage the utilities to rely upon the last resort analysis and report upon their analysis by adopting the above noted ratemaking remedy, which requires utilities to forgo collection in customer rates of estimated unrealized sales and revenues due to proactive de-energizations.

#### **8. Event Specific Requirements - Compliance with Laws, Rules, and Regulations Applicable to PSPS Events**

Section 8 addresses the rules, regulations, and laws implicated in the time period when a utility prepares for an imminent proactive power shutoff, during such an event, and at the conclusion of the event. In past Commission decisions, the Commission identified some of the actions that must be accomplished by utilities during this critical window of time. In 2019, these actions included (1) the minimum content of and timeline for notice by utilities to all affected customers, public safety partners, and local and state jurisdictions in preparation for, during, and at the conclusion of a proactive power shutoff, (2) continuous updates by utilities of the status of the proactive power shutoff on the utility's website, (3) sharing best practices on communicating with public safety partners, (4) communicating seamlessly with emergency responders and local governments, (5) sharing geographic information with public safety partners, (6) coordinating with emergency operations centers and incident command systems, and (7) embedding liaisons at emergency operations centers.

In this decision, the Commission's review focuses on areas of concern identified in the SED Report and by parties in this proceeding to consider the utilities' adherence and implementation of the laws, rules, and regulation, including the PSPS Guidelines, applicable in 2019 within the context of the utilities' obligation to promote the safety of the public in Pub. Util. Code § 451.

### **8.1. Notice in Preparation for, During, and After a PSPS Event**

In 2019, the PSPS Guidelines contained extensive directives on the timing, content, and method of delivery (*e.g.*, in person notice, if needed, was required) for notice by utilities to customers, public safety partners, local and state jurisdictions, and others in preparation for an imminent PSPS event, during a PSPS event, at the conclusion of a PSPS event.

In 2019, the Commission also set forth different notice requirements for different groups of people, such as customers using diverse languages, vulnerable populations, public safety partners, local and state jurisdictions, and others in unique circumstances.<sup>169</sup>

To assist the utilities in establishing a framework for notice to these different groups of people, the Commission in 2019 pointed to other well-established emergency notification frameworks. The Commission stated,

“The Statewide Alert and Warning Guidelines (Guidelines) provide guidance and expectations for jurisdictions throughout California to ensure that all available tools are used to alert and warn members of the public about emergencies. Although the Guidelines do not explicitly address de-energization and do not adopt notification and communication methods when there is a loss of power, the Guidelines create a strategy for notice to residents by local jurisdictions. The utilities must partner with local and state public safety partners to develop notification strategies that comport with the Guidelines for all customer groups, recognizing that the utilities retain responsibility to ensure notification of affected public safety partners, critical facilities and infrastructure and customers.”<sup>170</sup>

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<sup>169</sup> D.19-05-042 at 97.

<sup>170</sup> D.19-05-042 at 97.

Importantly, the Commission stated in 2019 that utilities “must develop notification strategies for all customer groups affected by de-energization.”<sup>171</sup> In 2019, the Commission was clear: a one-size fits all approach was not workable. Instead, strategies must be developed for different groups depending on their unique needs for notice.

Below we review whether the utilities reasonably complied with the guidelines pertaining to notification strategies in preparation for an imminent PSPS event, during a PSPS event, and at the conclusion of a PSPS event within the context of the utility obligation to promote safety set forth in Pub. Util. Code § 451. The notice issues we review here apply to notice in preparation for an imminent PSPS event, notice during a PSPS event, and notice at the conclusion of a PSPS event. Efforts by utilities to generally educate the public in advance of the fire season regarding PSPS events are reviewed in Sections 8.2 and 9.9.

#### **8.1.1. SED Report - Notice in Preparation for, During, and After a PSPS Event**

The SED Report states that, because the utilities’ 2019 10-day post-event reports presented information in an inconsistent format and, in addition, in an “unorganized mass of data,” it was difficult to assess the utilities’ compliance with the prior notice requirements.<sup>172</sup>

Regarding prior notice to the SED Director, the SED Report concludes that PG&E and SCE failed to adequately report on the content of that notice,<sup>173</sup> such as the number of potential affected customers and the estimated time for power

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<sup>171</sup> D.19-05-042 at 98-99.

<sup>172</sup> SED Report at 28.

<sup>173</sup> Resolution ESRB-8 (July 12, 2018) at 6.

restoration. Based on the information provided, the SED Report was further unable to verify whether PG&E and SCE provided timely notice to the SED Director when power was fully restored.<sup>174</sup> Regarding timely notice to the California Independent System Operator (CAISO) of these proactive power shutoffs and power restoration on transmission lines,<sup>175</sup> the SED Report finds deficiencies by PG&E, SCE, and SDG&E.<sup>176</sup> The SED Report analyzed notice to public safety partners but, again, found the analysis difficult because the utilities did not use a consistent format to present the data.<sup>177</sup>

Regarding the content of prior notice to public safety partners, the SED Report points to four Commission requirements for prior notice to public safety partners and concludes PG&E, SCE, and SDG&E, at least once, failed to include (1) the estimated start time in the notice before the power shutoff,<sup>178</sup> (2) the estimated duration of the power shutoff,<sup>179</sup> (3) the estimated time to full power restoration,<sup>180</sup> and (4) the number of Medical Baseline customers in the impacted area to first/emergency responders and/or local jurisdictions.<sup>181</sup>

Regarding the content of prior notice of an imminent PSPS event to all other affected customers, the SED Report finds further deficiencies. The SED Reports points out that in 2019 the Commission required utilities to include three

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<sup>174</sup> SED Report at 31.

<sup>175</sup> D.19-05-042, Appendix A at A46.

<sup>176</sup> SED Report at 32.

<sup>177</sup> SED Report at 32.

<sup>178</sup> SED Report at 32-33.

<sup>179</sup> SED Report at 33.

<sup>180</sup> SED Report at 33.

<sup>181</sup> SED Report at 33-34.



pieces of information in the prior notice to all other affected customers, (1) estimated event start-time, (2) estimated duration of the event, and (3) estimated time to power restoration.<sup>182</sup> The SED Report finds that the content of these prior notices varied among the utilities. The SED Report concludes that no utility demonstrated it provided estimated duration of event or estimated time to power restoration in its prior notices.<sup>183</sup> Aside from confirming that prior notice was sent, the SED Report finds PG&E's October 23, 2019 10-day post-event report indicated PG&E failed to provide any notice to 2,100 customers, including 22 Medical Baseline customers, with PG&E explaining that it had no customer information on file or the customer service point identification ID # (SPID) was not mapped to the local transformer.<sup>184</sup> As part of its analysis, the SED Report also examined notice templates.<sup>185</sup>

In addition to content of these notices, the SED Report also analyzes the utilities' compliance with the notice timelines adopted by the Commission.<sup>186</sup> In 2018 and 2019, the Commission adopted different timelines for prior notice depending on the type of entity receiving the notice. For example, the Commission directed utilities to provide public safety partners, certain adjacent jurisdictions (those that might lose power),<sup>187</sup> and all other customers prior notice on slightly different timelines to reflect the needs of these different groups for

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<sup>182</sup> SED Report at 34.

<sup>183</sup> SED Report at 34.

<sup>184</sup> SED Report at 34.

<sup>185</sup> SED Report at 34-35.

<sup>186</sup> SED Report at 35-36.

<sup>187</sup> The term "adjacent jurisdictions" is used interchangeably with the terms "adjacent local jurisdictions" in the PSPS Guidelines.

more or less advance warning of the planned power shutoff.<sup>188</sup> The SED Report includes a comprehensive analysis of compliance with these timelines.<sup>189</sup>

The SED Report concludes that none of the utilities appeared to comply with the timelines for “priority” notice to certain adjacent jurisdictions because none addressed this notice requirement or attached relevant notice scripts for these adjacent jurisdictions.<sup>190</sup>

Regarding timely prior notice to public safety partners, the SED Report finds numerous instances of noncompliance by all three utilities.<sup>191</sup> The SED Report finds PG&E provided no information on timeliness of priority notice to “adjacent local jurisdictions” and only provided prior notice to public safety partners in compliance with the guidelines for one of its five PSPS events in 2019.<sup>192</sup> The SED Report points to untimely notice by PG&E to California Cable and Telecommunications Association (CCTA) members, Comcast, Verizon Wireless, City of Ukiah, City of Healdsburg, and Northern California Power Agency.<sup>193</sup> To illustrate the extent of the impact on different communities and public safety partners of this PG&E noncompliance, the SED Report provides several excerpts from stakeholder comments. One such excerpt from the comments by Northern California Power Agency states:

“[D]uring the PSPS events of October 9 and 10 [2019], PG&E did not provide any direct notification to NCPA [Northern California Power

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<sup>188</sup> D.19-05-042, Appendix A at A8.

<sup>189</sup> SED Report at 35-36.

<sup>190</sup> SED Report at 38.

<sup>191</sup> SED Report at 36.

<sup>192</sup> SED Report at 36.

<sup>193</sup> SED Report at 35-37.

Agency] through the Grid Control Center. Instead, NCPA learned that PG&E planned to de-energize 12 to 20 transmission-level customers during a Cal OES update call.”<sup>194</sup>

Another excerpt for the comments by CLECA stated:

“PG&E gave members [of CLECA] lists of their accounts that would be impacted by a PSPS event; several of these lists were wrong and failed to include the actual transmission-level accounts that were shut-off, some of which accounts were shutoff with no notice.”<sup>195</sup>

The SED Report does not address whether PG&E provided timely 24-48-hour advance notice to “all other affected customers.”<sup>196</sup> Regarding the timeliness of PG&E’s advance notice to affected customers 1-4 hours before a de-energization, the SED Report finds PG&E provided notice sooner, at times, to avoid violating the curfew hours of the Telephone Consumer Protection Act. Regarding the majority of PG&E’s PSPS event, the SED Report states that it was unable to verify timeliness of advance notice within the one-to-four hour window because the methods employed by PG&E to present its notice data were confusing.<sup>197</sup> Regarding the mandatory requirement to provide notice at the beginning of a de-energization event,<sup>198</sup> the SED Report finds PG&E met this requirement for three of its five PSPS events in 2019.<sup>199</sup> The SED Report points to a few egregious examples of non-compliance, such as AT&T not receiving notice

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<sup>194</sup> SED Report at 36, quoting NCPA Comments on PG&E Post-PSPS Event Report for October 9 to October 12, 2019, filed December 31, 2019, letter dated November 19, 2019 at 4. The abbreviation Cal OES refers to the Governor’s Office of Emergency Response.

<sup>195</sup> SED Report at 37, citing CLECA January 10, 2020 Response at 4.

<sup>196</sup> SED Report at 38.

<sup>197</sup> SED Report at 39.

<sup>198</sup> D.19-05-042, Appendix A at A8.

<sup>199</sup> SED Report at 40.

until hours after the October 9, 2019 event and, likewise, the City of Santa Rosa not receiving notice until approximately one hour after PG&E de-energized the area.<sup>200</sup> The SED Report finds PG&E failed, in certain instances, to provide notice to customers prior to re-energizations.<sup>201</sup> In one instance, PG&E incorrectly provided a consolidated notice of re-energizations, after-the-fact, rather than before, that occurred throughout the day.<sup>202</sup> Regarding notice that restoration had been completed, the SED Report notes PG&E's October 23, 2019 post-event report does not address this issue.<sup>203</sup> In response to the requirement that the utility explain why it was unable to provide the required 2 hours advance notice, the SED Report finds PG&E failed to give some customers two-hour advance notice for all five of its 2019 PSPS events. The SED Report states the number of customers PG&E failed to notify two-hours in advance for each of the five 2019 PSPS events are 1,400, 23,000, 22,000, 2,100, and 800.<sup>204</sup> According to the SED Report, PG&E was unable to provide the required notice because of lack of adequate customer identification information, manual processes failed, customers were not mapped to a specific transformer, and other reasons. This topic is detailed in the SED Report.<sup>205</sup> The SED Report does not address whether PG&E complied with the language requirements in 2019 for the various notices.<sup>206</sup>

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<sup>200</sup> SED Report at 40.

<sup>201</sup> SED Report at 41.

<sup>202</sup> SED Report at 41.

<sup>203</sup> SED Report at 42.

<sup>204</sup> SED Report at 42.

<sup>205</sup> SED Report at 42-43.

<sup>206</sup> SED Report at 45.

Regarding the timeliness of SCE's notices in 2019, the SED Report finds that one of SCE's 10-day post-event reports (October 21, 2019) failed to indicate the exact time that SCE provided advance notice to affected public safety partners, failed to attach a script, and failed to provide a clear estimate of the potential start-time of the event.<sup>207</sup> For two events (November 15, 2019 and November 23, 2019), the SED Report states SCE failed to adhere to the timelines, stating that the uncertainty around when the dangerous weather conditions would impact the areas resulted in SCE providing notice later than planned.<sup>208</sup> The SED Report finds SCE failed to address priority notice, if any, given to "adjacent local jurisdictions."<sup>209</sup> The SED Report further find SCE did not provide timely notification 24-48 hours in advance of de-energization for three of its six events to "all other affected customers."<sup>210</sup> SCE stated, for example, that timely notice as not possible due to the sudden appearance of extreme weather, difficulties with weather models, rapid change in real world conditions.<sup>211</sup> The SED Report includes a few examples, including:

"During the November 13 PSPS Event, SCE stated that weather changes prevented it from providing customers advance notice."<sup>212</sup>

"During the November 23 PSPS Event, 1,192 customers were de-energized without notice and 36 customers were proactively de-

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<sup>207</sup> SED Report at 37.

<sup>208</sup> SED Report at 37.

<sup>209</sup> SED Report at 38.

<sup>210</sup> SED Report at 38.

<sup>211</sup> SED Report at 38.

<sup>212</sup> SED Report at 39, citing to SCE November 23 Post-Event Report at 6.

energized with less than 45 minutes of notice because of changing weather conditions.”<sup>213</sup>

In terms of the mandatory guideline to provide notice at the beginning of a de-energization, the SED Report find that SCE only met this requirement for three of its six events in 2019.<sup>214</sup> For example, the SED Report finds that Acton received notice that the “Shovel” circuit would be de-energized about one hour after it had already occurred.<sup>215</sup> Regarding the mandatory notice prior to re-energizing, the SED Report, generally, finds all the utilities “had trouble” complying with this guidelines.<sup>216</sup> Regarding notice after re-energization had been completed, the SED Report finds SCE provided insufficient information and documentation attached to post-event reports, and, as a result is unable to determine whether SCE complied with this notice guideline.<sup>217</sup> Regarding providing notice in the required languages, the SED Report finds SCE did not comply with this guideline at least twice.<sup>218</sup>

Regarding SDG&E, the SED Report finds that SDG&E provided no information on the timeliness of priority notice to “adjacent local jurisdictions.”<sup>219</sup> The SED Report does not address whether SDG&E provided advance notice to public safety partners.<sup>220</sup> The SED Report does not address

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<sup>213</sup> SED Report at 39, citing to SCE November 23 Post-Event Report at 6.

<sup>214</sup> SED Report at 40, citing to D.19-05-042, Appendix A at A8.

<sup>215</sup> SED Report at 40.

<sup>216</sup> SED Report at 41, citing to D.19-05-042, Appendix A at A8.

<sup>217</sup> SED Report at 42.

<sup>218</sup> SED Report at 45.

<sup>219</sup> SED Report at 38.

<sup>220</sup> SED Report at 36.

whether SDG&E provided 24-48 hour advance notice to “all affected customers.”<sup>221</sup> Regarding advance notice to “all affected customers” 1-4 hours in advance of de-energizing, the SED Report finds that on October 10, 2019 and October 20, 2019, SDG&E provided notice outside of this (more than four hours before a de-energization) to avoid disturbing customers during sleeping hours.<sup>222</sup> Regarding compliance with the mandate that utilities provide notice when the de-energization is initiated,<sup>223</sup> the SED Report finds that SDG&E failed to comply with this requirement for both its October 10, 2019 and October 20, 2019 events.<sup>224</sup> The SED Report notes that SDG&E combined into one chart several confusing metrics on the timing of notices, which made it difficult for SED to review the data.<sup>225</sup> The SED Report does not address whether SDG&E complied with the requirement to provide notice immediately prior to re-energization.<sup>226</sup> Because SDG&E presented the data on notice that power has been restored to “all affected customers,” the SED Report is unable assess compliance.<sup>227</sup> Regarding the requirement that the utility provide an explanation if the utility was unable to provide advance notice at least two hours before a de-energization, the SED Report finds SDG&E did not meet this requirement for two PSPS events, October 20, 2019 PSPS event (total of 495 customers not notified, including 40 Medical Baseline customers, five critical facilities and infrastructure

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<sup>221</sup> SED Report at 36.

<sup>222</sup> SED Report at 40.

<sup>223</sup> D.19-05-042, Appendix A at A8.

<sup>224</sup> SED Report at 41.

<sup>225</sup> SED Report at 41.

<sup>226</sup> SED Report at 41.

<sup>227</sup> SED Report at 42.

customers) and October 28, 2019 PSPS event (total of 1,412 customers not notified, including 57 Medical Baseline customers, 54 critical facilities and infrastructure customers).<sup>228</sup> The SED Report does not address whether SDG&E complied with the language requirements for notice in 2019.<sup>229</sup>

### **8.1.2. Utilities - Notice in Preparation for, During, and After a PSPS Event**

PG&E does not address whether it complied with the Commission's notice requirements for public safety partners but, instead, states:

“Without waiving its right to rebut these specific allegations if necessary, PG&E notes that its failure to provide notice to certain customers for those events is within the scope of the Order to Show Cause phase of R.18-12-005 and therefore, to avoid inconsistent or duplicative rulings, should not be the subject of this OII [Order Instituting Investigation].<sup>230</sup>

Regarding “adjacent jurisdictions,” PG&E states it did not provide priority notification to all adjacent jurisdictions because, according to its interpretation of D.19-05-042, PG&E only was required to provided priority notification to adjacent jurisdictions “that may lose power as a result of de-energization.”<sup>231</sup> Regarding notice to all affected customers 1 to 4 hours in advance, PG&E agrees to be more consistent and clear in its presentation of notification information going forward.<sup>232</sup> Regarding notice to all affected customers immediately before a de-energization, PG&E does not address this issue and, instead, states PG&E's compliance with this guideline is within the scope of the *Order to Show Cause*

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<sup>228</sup> SED Report at 44.

<sup>229</sup> SED Report at 44.

<sup>230</sup> PG&E September 2, 2020 Opening Comments at 17.

<sup>231</sup> PG&E September 2, 2020 Opening Comments at 17, citing to D.19-05-042, Appendix A at A7.

<sup>232</sup> PG&E September 2, 2020 Opening Comments at 18.



phase of R.18-12-005 and therefore, to avoid inconsistent or duplicative rulings, should not be the subject of this OII.<sup>233</sup> PG&E does not contest the conclusion that it failed to provide notice that it would be restoring power, except to point out that it provided some customers notice that power would be restored for the October 23, 2019 event and states that its systems will be prepared to handle this notice, going forward, starting September 2020.<sup>234</sup> Regarding the requirement that the utility provide an explanation if it failed to provide at least 2 hours prior notice of a de-energization, PG&E does not fully address this issue, instead, stating PG&E's efforts regarding those issues are currently being litigated in the *Order to Show Cause* phase of R.18-12-005.<sup>235</sup> PG&E does not address whether it complied with the language requirements.<sup>236</sup>

SCE states, it performed as well as possible, under the circumstances and the lack of time to prepare, stating:

"As acknowledged in the applicable PSPS guidance decision (Phase 1 Decision), which was controlling at the time of these PSPS events, it was not feasible to implement all of the recommendations prior to the 2019 wildfire season. Resolution ESRB-8 also acknowledged that "it is not practicable to have an absolute requirement that electric IOUs provide advance notice to customers prior to a de-energization event." While SCE did not, at all times during the events at issue in this proceeding, strictly comply with each specific guideline in the Phase 1 Decision, SCE has complied with the overarching Commission directive to develop a robust compliance program as quickly as possible." <sup>237</sup>

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<sup>233</sup> PG&E E September 2, 2020 Opening Comments at 18.

<sup>234</sup> PG&E E September 2, 2020 Opening Comments at 19.

<sup>235</sup> PG&E E September 2, 2020 Opening Comments at 19.

<sup>236</sup> PG&E E September 2, 2020 Opening Comments at 19.

<sup>237</sup> SCE September 2, 2020 Opening Comments at 2.

SDG&E states it complied with the notice requirements in the 2019 PSPS Guidelines and disputes the comments by parties suggesting it was not serious about its efforts to notice customers in 2019.<sup>238</sup> SDG&E states it attempted to provide notice of de-energization as early as it reasonably believed a de-energization was likely and engaged in ongoing communications with Cal OES on its notification strategy and in parallel worked with local and tribal governments to ensure that notification protocols were integrated with the goal of having local governments provide supplemental or secondary notifications utilizing pre-designed templates or scripts developed by SDG&E.<sup>239</sup> SDG&E further states that, to prepare for the 2019 wildfire season, it refined its notification and communication practices in response to D.19-05-042 and, in various reports, it has thoroughly described the steps it took to comply with the then-existing requirements.<sup>240</sup>

### **8.1.3. Parties - Notice in Preparation for, During, and After a PSPS Event**

The analysis provided by parties of whether the utilities complied with the various notice requirements is the subject of extensive comments by parties. Overall, parties found numerous instances of deficient notice. Some of these comments are referred to below. Parties focus on four aspects of notice: (1) whether the required notice was even provided, (2) whether the content of any notice provided was sufficient, (3) whether the notice was provided in a

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<sup>238</sup> SDG&E November 16, 2020 Opening Comments at 2-3.

<sup>239</sup> SDG&E September 2, 2020 Opening Comments at 7.

<sup>240</sup> SDG&E November 16, 2020 Opening Comments at 3.

timely manner consistent with the PSPS Guidelines, and (4) whether the 10-day post-event reports included sufficient information about notice.

Joint Local Governments state PG&E failed to comply with a number of the notification requirements in 2019 and suggests the bulk of PG&E's notification practices were not effective.<sup>241</sup> Joint Local Governments also state that the Commission must focus on the issue of whether PG&E complied with the notice requirements and not whether PG&E's post-event reports were sufficiently descriptive (although robust reports are certainly important).<sup>242</sup> Joint Local Governments also confirm the conclusions of the SED Report that SCE also failed to implement a number of the then-existing requirements for notice.<sup>243</sup> The Joint Local Governments agree with the observation in the SED Report about the shortfalls and lack of clarity in all the utilities' 10-day post-event reports but, again, emphasizes that the real issue is whether the utilities complied with the substantive requirements to provide effective notification.<sup>244</sup>

Cal Advocates provides extensive analysis on the utilities' compliance with the notice requirements. Some of the topics addressed are summarized below. Overall, Cal Advocates presents a dismal portrait of notice in 2019, finding that the utilities "gave inadequate or no advance notification to 5,000 public safety partners and priority notification entities and 14,000 Medical Baseline customers"<sup>245</sup> Cal Advocates states that, overall, PG&E and SCE

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<sup>241</sup> Joint Local Governments October 16, 2020 Opening Comments at 24-26.

<sup>242</sup> Joint Local Governments November 16, 2020 Reply Comments at 24.

<sup>243</sup> Joint Local Governments November 16, 2020 Reply Comments at 26-27.

<sup>244</sup> Joint Local Governments November 16, 2020 Reply Comments 28.

<sup>245</sup> Cal Advocates October 16, 2020 Opening Comments at i.

performed inadequately while SDG&E performed better.<sup>246</sup> Cal Advocates further finds that, with respect to Medical Baseline customers, SDG&E performed well.<sup>247</sup> However, according to Cal Advocates, PG&E failed to provide 24-hour advance notice to 14,966 out of a total of 76,978 (almost 20 percent) of its Medical Baseline customers and SCE failed to notify 1,498 out of 3,967 (38 percent) of its Medical Baseline customers 24-48 hours in advance for the late 2019 PSPS events.<sup>248</sup>

Regarding PG&E, Cal Advocates finds PG&E did not have adequate systems in place for providing advance notice to public safety partners and critical facilities and infrastructure customers. Specifically, Cal Advocates states that PG&E confirmed it failed to provide advance notice to thousands of public safety partners and other related entities.<sup>249</sup> Cal Advocates further finds PG&E provided generic and imprecise estimates of the duration of the power shutoff to “all other customers and that these estimates were so imprecise they were not meaningful.”<sup>250</sup>

Regarding SCE, Cal Advocates states SCE largely relied upon a manual system for notice in 2019 and, therefore, did not have an adequate system for notifying critical facilities and infrastructure customers or for keeping track of which customers had been notified in any of SCE’s six de-energizations. Cal

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<sup>246</sup> Cal Advocates October 16, 2020 Opening Comments at ii.

<sup>247</sup> Cal Advocates October 16, 2020 Opening Comments at 10.

<sup>248</sup> Cal Advocates October 16, 2020 Opening Comments at 11.

<sup>249</sup> Cal Advocates October 16, 2020 Opening Comments at 7.

<sup>250</sup> Cal Advocates October 16, 2020 Opening Comments at 27.

Advocates further finds SCE failed to provide an estimated duration or restoration time to “all other customers.”<sup>251</sup>

Regarding SDG&E, Cal Advocates finds SDG&E seems to have made reasonable attempts to communicate the estimated duration and estimated restoration time to all affected customers in 2019.<sup>252</sup>

Cal Advocates recommends penalties, fines, further review, and corrective actions in response to the deficiencies in notice provided by utilities in 2019. Cal Advocates recommends that the Commission adopt a standardized approach to determining which “critical facilities” should be eligible for the 48-72 hours notice.<sup>253</sup>

City of San Jose states that, for the October 9, 2019 event, PG&E pushed back the timing of when PG&E would de-energize the City of San Jose until there was a difference of 20 hours between the initial time PG&E projected for the shutdown and when PG&E initiated the shutdown, which caused great inconvenience to the City of San Jose personnel as they were on standby at the City Emergency Response Center when they could have been attending to other business.<sup>254</sup>

City of San Jose states it is unsure of whether PG&E appropriately noticed Medical Baseline customers and, City of San Jose further explains that because PG&E provided the customer identification and notification information to the County of Santa Clara (not to City of San Jose), City of San Jose remained unclear

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<sup>251</sup> Cal Advocates October 16, 2020 Opening Comments at 28.

<sup>252</sup> Cal Advocates October 16, 2020 Opening Comments at 29.

<sup>253</sup> Cal Advocates October 16, 2020 Opening Comments at 9.

<sup>254</sup> City of San Jose October 16, 2020 Opening Comments at 8.

about the identify of such customers during most of the PSPS events.<sup>255</sup> City of San Jose concludes by requesting the Commission require the utilities to provide Medical Baseline customer information to cities (not just counties).<sup>256</sup> City of San Jose further states that more precise estimates of start times for the PSPS events would be helpful, as the generalized estimates provided by PG&E were not helpful.<sup>257</sup>

Based on Acton's experience, Acton request that the Commission find SCE failed to comply with the guideline to provide estimated time of full restoration of power in notice to public safety partners.<sup>258</sup>

#### **8.1.4. Discussion - Notice in Preparation for, During, and After a PSPS Event**

The guidelines adopted by the Commission in D.12-04-024, Resolution ESRB-8, and D.19-05-042 set forth the Commission's expectations of the utilities for the timing and content of notice before, during, and after a PSPS event. In any particular situation, additional content or more frequent notice may have been reasonable in 2019 to comply with the PSPS Guidelines and utility obligation under Pub. Util. Code § 451 to promote the public safety.

Based on parties' comments and the SED Report, we find that the content and the timing of the notice provided by PG&E and SCE in 2019 often failed to reasonably comply with the notice guidelines in D.12-04-024, Resolution ESRB-8, and D.19-05-042 and, as a result, PG&E and SCE failed to comply with Pub. Util. Code § 451. While SDG&E's provision of notice would benefit from certain

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<sup>255</sup> City of San Jose October 16, 2020 Opening Comments at 9.

<sup>256</sup> City of San Jose October 16, 2020 Opening Comments at 9.

<sup>257</sup> City of San Jose October 16, 2020 Opening Comments at 10.

<sup>258</sup> Acton October 16, 2020 Opening Comments at 21.

improvements, overall, we find SDG&E reasonably complied with the 2019 PSPS Guidelines for the timing and content of notice before, during, and after a PSPS event and Pub. Util. Code § 451.

Based on our review of the notice guidelines, we further note that some notice guidelines are mandatory and other are discretionary, which caused a certain amount of confusion in 2019. The Commission will further explore this area of the guidelines in R.18-12-005. Our review also highlights that certain notice guidelines would benefit from clarification or minor modifications. However, because our review of the notice guidelines in R.18-12-005 continues, we will only make minor clarifications and modifications here based on the record of this proceeding and the problems that occurred in 2019.

First, we modify the guidelines, to the extent necessary, to direct the utilities to provide customer information to cities, in addition to all other required entities. This modification responds to City of San Jose's concerns that the utilities did not provide needed information about customers directly to the city in 2019 because the Commission in the October 2019 Executive Director letters and Resolution L-598 did not clarify that cities should be included. The Commission's guidelines currently apply to counties and tribal governments.<sup>259</sup> Today, in response to concerns raised by City of San Jose, we modify Resolution L-598 (December 9, 2019) to include cities. The Order of Resolution L-598 is modified as noted below:

“The electric investor-owned utilities are authorized to share Medical Baseline information with county, city, and tribal

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<sup>259</sup> Resolution L-598 (December 9, 2019).

government emergency response personnel, upon the county, city, or tribal government's request, when a PSPS protocol is initiated."<sup>260</sup>

"The electric investor-owned utilities are authorized to share with county, city, or tribal governments, upon the county, city, or tribal government's request, the addresses within their jurisdiction that are or will be impacted by planned or announced PSPS events."<sup>261</sup>

"The address data is to be shared solely for the purpose of allowing a county, city, or tribal government to identify with particularity the areas and addresses within the scope of a PSPS event and shall not be shared or used for any other purpose."<sup>262</sup>

Second, in response to the problems encountered by SED and parties when analyzing the utilities' data demonstrating compliance with the notice guidelines, which, as described by SED, consisted of an "unorganized mass of data," below we direct the utilities to take steps to organize and present the data for analysis in a more organized and accessible manner.

#### **8.1.5. Corrective Action - Notice in Preparation for, During, and After a PSPS Event**

PG&E, SCE, and SDG&E shall immediately initiate efforts to assist the Commission's Safety and Enforcement Division in developing a standardized 10-day post-event reporting template for indicating compliance with, among other things, all the PSPS guidelines pertaining to notice and, in addition, shall ensure, in consultation with Safety and Enforcement Division, that any format used to report compliance with all notice guidelines is readily accessible for analysis by the Safety and Enforcement Division.

PG&E, SCE, and SDG&E shall immediately initiate a collaborative effort, to be referred to as the Joint Utility PSPS Working Group, which shall include, at a minimum, a monthly joint utility meeting to share all best practices and lessons learned relevant to development of a consistent format for reporting, in the

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<sup>260</sup> Resolution L-598 (December 9, 2019), Order 4 at 6.

<sup>261</sup> Resolution L-598 (December 9, 2019), Order 4 at 6.

<sup>262</sup> Resolution L-598 (December 9, 2019), Order 4 at 6.



10-day post-event report, compliance with all the notice guidelines (both mandatory and discretionary) set forth in the PSPS Guidelines and any other applicable laws, rules, and regulations. PG&E, SCE, and SDG&E shall provide information on the following notice topics, at a minimum, in the 10-day post-event reports: (1) the time the utility activated its Emergency Operations Center, the time the utility determined it was likely to de-energize, and the time the utility notified public safety partners; (2) whether public safety partners/priority notification entities received notice 48-72 hours in advance of anticipated de-energization; (3) whether all other affected customers/populations received notice 24-48 hours in advance of anticipated de-energization; (4) whether all affected customers/populations received notice 1-4 hours in advance of anticipated de-energization; (5) whether all affected customers/populations received notice when the de-energization was initiated; (6) whether all affected customers/populations received notice immediately before re-energization begins; and (7) whether all affected customers/populations received notice when re-energization was complete. In a report, as designated by SED, the utilities shall respond to any failure to provide notice consistent with the guidelines with an explanation of what caused these failures and how the utilities will correct those failures. PG&E, SCE, and SDG&E shall comply with the reporting requirement herein pertaining to the Joint Utility PSPS Working Group.

PG&E, SCE, and SDG&E shall file and serve an annual report in R.18-12-005 or a successor proceeding, which shall identify, among other things, the dates/times when the Joint Utility PSPS Working Group convened and the webpage links to all meeting reports filed with the Commission. The details of the annual report, including the date to be filed, shall be determined in R.18-12-005.

PG&E, SCE, and SDG&E are authorized to share Medical Baseline customers information with county, city, and tribal government emergency response personnel, upon the county, city, or tribal government's request, when a PSPS protocol is initiated.

PG&E, SCE, and SDG&E are authorized to share with county, city, or tribal governments, upon the county, city, or tribal government's request, the addresses within their jurisdiction that are or will be impacted by planned or announced PSPS events.

PG&E, SCE, and SDG&E shall prepare, in consultation with parties to this proceeding, a joint utility recommendation for clarifying the entities required to receive notifications 48-72 hours in advance of the de-energization and file the recommendation as a motion for consideration by parties in R.18-12-005.

## **8.2. Information Sharing: Continuous Updates of Actual De-Energizations on Website Homepage and Dedicated Webpage**

In 2019, the PSPS Guidelines required that “utilities must provide up-to-date information, including a depiction of the boundary of the de-energization event, on their websites’ homepage and a dedicated Public Safety Power Shutoff webpage regarding the de-energization event.”<sup>263</sup> This guideline addresses two basic concepts. The requirements to (1) provide current information (including map boundaries) of the de-energization and affected area on website home page and (2) provide current information on an event and general information about proactive de-energizations on dedicated webpages.

Below we determine whether the utilities reasonably complied with this guideline regarding information on utility website homepages and dedicated webpage within the context of their obligation to promote safety set forth in Pub. Util. Code § 451.

### **8.2.1. SED Report - Information Sharing: Continuous Updates of Actual De-Energizations on Website Homepage and Dedicated Webpage**

The SED Report finds all three utilities met the basic requirement of creating a dedicated PSPS webpage.<sup>264</sup> However, according to the SED Report, PG&E and SCE demonstrated shortcomings regarding the operation of their

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<sup>263</sup> D.19-05-042, Appendix A at A18.

<sup>264</sup> SED Report at 23.

webpages. For example, the SED Report found PG&E's PSPS webpage experienced use beyond the capacity of the PG&E's system due to overwhelming web traffic.<sup>265</sup> In addition, the SED Report found accessibility concerns for the Access and Functional Needs communities.<sup>266</sup>

Regarding PG&E, the SED Report further found that, in late 2019, while PG&E placed information on its website, deficiencies in content, accessibility, accuracy of information, and traffic capacity (inability to handle the surge in the volume of web traffic during a de-energization) rendered PG&E's website unable to perform the intended purposes.<sup>267</sup> The SED Report also points to deficiencies regarding PG&E's efforts via its website to serve non-English speakers, outreach to Access and Functional Needs customers, for example customers who use screen readers, and failure to provide timely update on the website.<sup>268</sup> The Commission is examining the failures of PG&E regarding its website in the *Order to Show Cause* in R.18-12-005.<sup>269</sup>

Regarding SCE, the SED Report notes SCE encountered problems in 2019 due to the unanticipated high volume of web traffic. The SED Report explains that during its first proactive power shutoff, SCE's web traffic on *SCE.com* spiked from 1 million to 1.7 million page views and then to 2.5 million.<sup>270</sup> According to the SED Report, SCE identified the source of the problems and sought to address

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<sup>265</sup> SED Report at 23.

<sup>266</sup> SED Report at 23.

<sup>267</sup> SED Report at 51.

<sup>268</sup> SED Report at 51.

<sup>269</sup> SED Report at 51.

<sup>270</sup> SED Report at 52-54.

it in 2019.<sup>271</sup> The SED Report further finds deficiencies in SCE's provision of information via its PSPS webpage to Access and Functional Needs customers and "in-language" information for non-English speakers.<sup>272</sup> The SED Report also states SCE failed to provide updated map boundaries.<sup>273</sup> The SED Report concludes SCE should improve its website to better inform those with Access and Functional Needs and non-English speakers.<sup>274</sup> In addition, the SED Report concludes SCE should inform the Commission on SCE's progress in addressing other website shortcomings.<sup>275</sup>

The SED Report does not address SDG&E regarding this guideline.

**8.2.2. Utilities – Information Sharing: Continuous Updates of Actual De-Energizations on Website Homepage and Dedicated Webpage**

In response to the SED Report, PG&E states the Commission should not address PG&E's website here because this topic is the subject of the *Order to Show Cause* phase of R.18-12-005.<sup>276</sup> PG&E expresses concern regarding inconsistent or duplicative rulings.<sup>277</sup> However, PG&E does address concerns expressed by CforAT and City of San Jose that PG&E failed to offer updates in multiple languages.<sup>278</sup> PG&E states it provided updates in the required languages in 2019

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<sup>271</sup> SED Report at 52-54.

<sup>272</sup> SED Report at 53-54.

<sup>273</sup> SED Report at 53-54.

<sup>274</sup> SED Report at 53-54.

<sup>275</sup> SED Report at 53-54.

<sup>276</sup> PG&E September 2, 2020 Opening Comments at 23.

<sup>277</sup> PG&E September 2, 2020 Opening Comments at 23.

<sup>278</sup> PG&E November 16, 2020 Reply Comments at 24.

on its website and that it has further expanded these languages in 2020.<sup>279</sup>

Regarding complaints that its maps were insufficient, PG&E states in 2019 the Commission's directives did not require the types of maps sought by parties.<sup>280</sup>

In response to the SED Report, SCE admits that in 2019, the information on its website for proactive power shutoffs was only available in English but SCE now provides web content for proactive power shutoffs in English, Spanish, Chinese (Mandarin & Cantonese in voice communications), Tagalog, Vietnamese and Korean. Moreover, SCE states it redesigned and tested the PSPS content of the website to conform to WCAG 2.0 Level AA guidelines.<sup>281</sup> SCE claims that these changes result in information on *SCE.com* being accessible to those who use a wide range of assistive technologies to access the internet, including screen readers and capabilities for visitors with color blindness.<sup>282</sup>

SDG&E states that in 2019 its website included a dedicated PSPS section and SDG&E actively seeks to direct the public, including public safety partners, to a dedicated section of its website as part of SDG&E's general public education campaign on PSPS events and, in addition, prior to initiating a PSPS event.<sup>283</sup> SDG&E states it used its website during events to provide customers with real-time information in multiple languages and posted all protocols for

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<sup>279</sup> PG&E November 16, 2020 Reply Comments at 24.

<sup>280</sup> PG&E November 16, 2020 Reply Comments at 24.

<sup>281</sup> WCAG means Website Content Accessibility Guidelines.

<sup>282</sup> SCE September 2, 2020 Opening Comments at 27.

<sup>283</sup> SDG&E September 2, 2020 Opening Comments at 11.

communicating with affected customers (its *PSPS Policies and Procedures* document) before, during, and after PSPS events on its website.<sup>284</sup>

### **8.2.3. Parties – Information Sharing: Continuous Updates of Actual De-Energizations on Website Homepage and Dedicated Webpage**

Regarding the directive that utilities provide an up to date “depiction of the boundary of the de-energization” on their website, City of San Jose states PG&E overestimated the affected areas by as much as 20 percent and as a result, City of San Jose wasted time and resources to re-route its refueling trucks to different facilities and deploy electricians to pull the correct generators for the correct facilities.<sup>285</sup> City of San Jose further states it had to rely upon its own resources to gain more accurate information about the outage boundaries, with its Public Works Department creating a field app and a GIS map for residents to use to obtain information on who was affected by the outages and to report outage locations.<sup>286</sup> City of San Jose also points out PG&E’s website crashed several times in late 2019 because PG&E failed to prepare for the volume of traffic it experienced.<sup>287</sup>

Regarding SCE, Acton states during late 2019, SCE’s website was, at times, inaccessible, provided inaccurate mapping information, and the mapping function was difficult to use.<sup>288</sup> Acton also states SCE’s depiction of boundaries did not address accessibly needs of customers with vision impairments and did

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<sup>284</sup> SDG&E September 2, 2020 Opening Comments 5, 12, and 20.

<sup>285</sup> City of San Jose October 16, 2020 Opening Comments at 7.

<sup>286</sup> City of San Jose October 16, 2020 Opening Comments at 7.

<sup>287</sup> City of San Jose October 16, 2020 Opening Comments at 7.

<sup>288</sup> Action October 16, 2020 Opening Comments at 15-16.

not include a sufficient diversity of languages.<sup>289</sup> Acton also states that in 2020, SCE's circuit mapping features were greatly improved and more user friendly.<sup>290</sup>

Joint Local Governments state PG&E and SCE consistently failed to provide up-to-date information on their websites.<sup>291</sup> Joint Local Governments state "PG&E's website meltdown during the October 9 [2019] event is well documented."<sup>292</sup> Joint Local Governments further state SCE's website was not accessible to customers with disabilities and included inaccurate maps and insufficient diversity of languages.<sup>293</sup> Joint Local Governments recommend monetary penalties be assessed on PG&E and SCE based on these failures.<sup>294</sup>

#### **8.2.4. Discussion – Information Sharing: Continuous Updates of Actual De-Energizations on Website Homepage and Dedicated Webpage**

Functional websites with, among other things, regularly updated information before, during, and after a de-energization with up-to-date map boundaries of the de-energized area accessible to all customers, including those with impairments or disabilities and in various languages, were and remain critical to effectively communicating with all types of customers to promote safety. Both PG&E and SCE, to various degrees, provided non-functional websites, an inadequate diversity of languages, inadequate accommodations for the access needs of customers with disabilities, inaccurate or no map boundaries,

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<sup>289</sup> Action October 16, 2020 Opening Comments at 17.

<sup>290</sup> Action October 16, 2020 Opening Comments at 16-17.

<sup>291</sup> Joint Local Governments October 16, 2020 Opening Comments at 25-27.

<sup>292</sup> Joint Local Governments October 16, 2020 Opening Comments at 35.

<sup>293</sup> Joint Local Governments November 16, 2020 Reply Comments at 13.

<sup>294</sup> Joint Local Governments October 16, 2020 Opening Comments at 57.

and untimely updates to relevant and required information on their websites, with PG&E's website failing on October 9, 2019. In their defense, PG&E and SCE, to various degrees, suggest they lacked adequate time to prepare their websites, diverse language content, and mapping functions and were largely in compliance with then-existing laws. As we stated previously, we find the argument that the utilities lacked time to prepare for the 2019 PSPS events unpersuasive. The Commission began addressing the potential for proactive power shutoffs over a decade ago and lack of time to prepare is simply not a convincing excuse for noncompliance.

While PG&E points to the importance of its website in communicating with customers about PSPS events, it appears to not have sufficiently prioritized this important task and, as a result, failed to dedicate the resources needed to create a sustainable website. When PG&E states it did not have enough time to prepare, we understand this to mean it was not a priority. Furthermore, we find the failure of PG&E and SCE to provide information about PSPS events on their website in multiple language particularly inexcusable. Based on the number of languages spoken by customers in this state, we find it impossible to understand how PG&E and SCE decided they could effectively notice customers of impending PSPS events, so that customers could prepare safely, without presenting this critical information in a multitude of languages. In-language communications is basic to promoting safety under Pub. Util. Code § 451. Utilities have presented written information in a multitude of languages for many years in, for example, their bill inserts. PG&E and SCE should have taken the same measures here – which cannot be considered unexpected – to notify customers via their websites of PSPS events.



Based on the evidence presented, we find PG&E and SCE failed to reasonably comply with the directives to establish an accessible website homepage and a dedicated page which includes, among other things, up-to-date maps for the affected areas.

In failing to reasonably comply with the requirement to establish an accessible website homepage and a dedicated page which includes, among other things, up-to-date maps for the affected areas, PG&E and SCE failed to comply with the obligation in Pub. Util. Code § 451 to promote safety of customers. We also adopt the corrective actions set forth below.

Neither the SED Report nor parties raise website issues regarding SDG&E. Accordingly, we find SDG&E reasonably complied with this directive and with Pub. Util. Code § 451.

**8.2.5. Corrective Action – Information Sharing: Continuous Updates of Actual De-Energizations on Website Homepage and Dedicated Webpage**

Because we are addressing the most extensive failures to comply with this directive – the failures by PG&E - in the *Order to Show Cause* phase of R.18-12-005, we limit our corrective actions to the following:

PG&E, SCE, and SDG&E shall immediately initiate a collaborative effort, to be referred to as the Joint Utility PSPS Working Group, which shall include, at a minimum, a monthly joint utility meeting to share all aspects of their PSPS webpages with the goal of collaborating on best practices to develop and deploy webpages before, during, and after a proactive de-energization. PG&E, SCE, and SDG&E shall comply with the reporting requirement herein pertaining to the Joint Utility PSPS Working Group.

### **8.3. Information Sharing: Utilities Must Work Together, Share Best Practices, Ensure Sharing of Consistent Information with Public Safety Partners**

In 2019, as part of the “overarching” PSPS Guidelines, utilities were required to “develop best practices across California”<sup>295</sup> by: “... work[ing] together to share information and advice in order to create effective and safe de-energization programs at each utility and to ensure that utilities are sharing consistent information with public safety partners.”<sup>296</sup> While consistent communication to all affected public safety partners before, during, and after an event is critical, we also focus here on the Commission's directive to utilities to work together to develop best practices, to ensure messaging incorporates the most effective components, is consistent across and within different groups, and is improved based on lessons learned shared in a collaborative manner by all the utilities. The goal of this collaboration is to provide the highest level of service and best safety practices to all Californians regarding de-energizations, regardless of the service territory. Below we review whether the utilities reasonably complied with this directive within the context of their obligation to promote safety set forth in Pub. Util. Code § 451.

#### **8.3.1. SED Report - Information Sharing: Utilities Must Work Together, Share Best Practices, Ensure Sharing of Consistent Information with Public Safety Partners**

The SED Report focuses on the success of each utility to communicate a consistent message to all affected public safety partners before, during, and after a PSPS event in 2019.<sup>297</sup> The SED Report does not address the success of utilities

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<sup>295</sup> D.19-05-042, Appendix A at A3.

<sup>296</sup> D.19-05-042, Appendix A at A3.

<sup>297</sup> SED Report at 45-46.

in sharing lessons learned and in working collaborative to “develop best practices across California” for proactive de-energizations.

Regarding PG&E, the SED Report identifies instances experienced by Verizon, CalCCA, and California State Association of Counties where PG&E provided inconsistent information during an event to public safety partners or failed to include all public safety partners in a communication.<sup>298</sup> For example, the SED Report points to the California State Association of Counties (CSAC) statement that, in late 2019: “In some counties, the local PG&E representative did not have much information or would not have the information needed and in others, the PG&E representative provided real-time updates.”<sup>299</sup> The SED Report concludes PG&E failed to share with public safety partners accurate, consistent information and, as a result, PG&E should continue improving its PSPS event communications.<sup>300</sup>

Regarding SCE, the SED Report finds that inconsistency in communications with public safety partners was not “widespread” in 2019 but SCE should work to improve its sharing of consistent information with public safety partners.<sup>301</sup> The SED Report includes a statement by Joint Local Governments, which highlights the problems encountered by local jurisdictions in SCE’s service territory: “Santa Barbara County regularly received reports for

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<sup>298</sup> SED Report at 54, citing to CSAC January 10, 2020 Response at 3.

<sup>299</sup> SED Report at 54, citing to CSAC January 10, 2020 Response at 3.

<sup>300</sup> SED Report at 45-46.

<sup>301</sup> SED Report at 46.

other counties, or reports that included Santa Barbara and other counties, which required follow-up to the EOC duty officer and created confusion.”<sup>302</sup>

Later in the SED Report, the SED Report addresses SDG&E’s success in communicating consistently with public safety partners in 2019 but found SDG&E’s notifications regarding a single PSPS event were “inconsistent or lacked required content for public safety partners.”<sup>303</sup> Based on these seemingly contradictory findings regarding SDG&E, the SED Report's final conclusion regarding SDG&E is unclear.

### **8.3.2. Utilities - Information Sharing: Utilities Must Work Together, Share Best Practices, Ensure Sharing of Consistent Information with Public Safety Partners**

In response to the SED Report, PG&E agrees to continue to improve its PSPS event communications going forward.<sup>304</sup> PG&E does not address collaboration with other utilities to share lessons learned to ensure best practices across California.

In response to the SED Report, SCE states it performed well in providing consistent communications to public safety partners during the 2019 PSPS events but admits improvement is needed in communicating circuit-specific information to only those public safety partners in the related jurisdiction and that SCE, in response to this need for improvement, has implemented an ongoing review of circuit-specific distribution lists to prevent errors from recurring in the future.<sup>305</sup> Regarding collaboration with other utilities, SCE states that, going

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<sup>302</sup> SED Report at 46, citing to Joint Local Governments January 10, 2020 Response at 21.

<sup>303</sup> SED Report at 76.

<sup>304</sup> PG&E September 2, 2020 Opening Comments at 20.

<sup>305</sup> SCE September 2, 2020 Opening Comments at 37.

forward, it will “share lessons learned with the other IOUs to continuously improve coordination and consistency in PSPS approaches.”<sup>306</sup> SCE does not indicate it shared lessons learned in 2019.

In response to the SED Report, SDG&E disagrees with SED’s assessment and states it established and maintained points of contact, often assigning Emergency Management personnel or Account Executives, and provided consistent notifications with requisite content throughout the PSPS events.<sup>307</sup> Regarding collaboration with other utilities, SDG&E states it collaborated with other utilities to share information and lessons learned to develop best practices across California.<sup>308</sup>

### **8.3.3. Parties - Information Sharing: Utilities Must Work Together, Share Best Practices, Ensure Sharing of Consistent Information with Public Safety Partners**

Joint Local Governments state that, overall, the SED Report fails to capture the “chaos and frustration” caused by the information sharing problems of PG&E and SCE and, in addition, fails to reflect the extent to which the PG&E’s and SCE’s information-sharing problems hindered the planning and response efforts by public safety partners.<sup>309</sup> Joint Local Governments state PG&E and SCE failed to provide GIS shapefiles to public safety partners, failed to provide timely and accurate information related to ongoing de-energization events to public

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<sup>306</sup> SDG&E September 2, 2020 Opening Comments at 20.

<sup>307</sup> SDG&E September 2, 2020 Opening Comments at 35.

<sup>308</sup> SEDG&E September 2, 2020 Opening Comments at 4.

<sup>309</sup> Joint Local Governments October 16, 2020 Opening Comments at 30.

safety partners, and their public-facing websites did not provide required or timely information.<sup>310</sup>

In addressing the situation generally, Joint Communication Parties emphasize the “critical importance of advance notification of de-energization events to communications service providers,”<sup>311</sup> stating that utilities need to create a “consistent notification process for PSPS events so that safety partners can respond quickly and more efficiently in the face of a PSPS.”<sup>312</sup> Joint Communications Parties conclude “no basis [exists] for the Commission to determine that the late 2019 shutoffs were reasonable.”<sup>313</sup>

Regarding PG&E, Joint Local Governments state that, while PG&E has improved its provision of non-disclosure agreements, in advance, to public safety partners, in 2019 PG&E’s insistence on nondisclosure agreements for Medical Baseline and critical facility information even after the Commission directed that information be provided without nondisclosure agreements created severe difficulties.<sup>314</sup> Joint Local Governments also state PG&E had significant problems communicating real-time information to public safety partners during a de-energization, which created real problems for local governments.<sup>315</sup>

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<sup>310</sup> Joint Local Governments October 16, 2020 Opening Comments at 26-28.

<sup>311</sup> Joint Communications Parties October 16, 2020 Opening Comments at 1-2.

<sup>312</sup> Joint Communications Parties October 16, 2020 Opening Comments at 1-2.

<sup>313</sup> Joint Communications Parties October 16, 2020 Opening Comments at 4.

<sup>314</sup> Joint Local Governments November 16, 2020 Reply Comments at 26-28.

<sup>315</sup> Joint Local Governments November 16, 2020 Reply Comments at 27.

The City of San Jose states PG&E failed to communicate important information, did not present important information well, and denied the City of San Jose access to direct information during 2019 power shutoffs.<sup>316</sup>

Regarding SCE, Joint Local Governments identify the difficulties created by SCE's information-sharing protocols but acknowledge SCE sought in 2019 to make improvements in the communication of real time information.<sup>317</sup> However, Joint Local Governments state that Kern and Santa Barbara Counties continued to receive de-energization information for other jurisdictions – throughout the course of 2019.<sup>318</sup> Acton generally agrees with Joint Local Governments.<sup>319</sup>

Parties did not raise any significant issues regarding SDG&E's compliance with this directive.

#### **8.3.4. Discussion - Information Sharing: Utilities Must Work Together, Share Best Practices, Ensure Sharing of Consistent**

The first component of this guideline addresses the utilities' communications with public safety partners before, during, and after a de-energization. This guideline captures the Commission's goal for utilities to provide consistent, accurate, relevant, and timely information to public safety partners before, during, and after a de-energization and, as such, we affirm today that utilities must provide consistent, accurate, relevant, and timely information to public safety partners before, during, and after a de-energization to promote safety under Pub. Util. Code § 451.

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<sup>316</sup> City of San Jose October 16, 2020 Opening Comments at 19.

<sup>317</sup> Joint Local Governments November 16, 2020 Reply Comments at 26-28.

<sup>318</sup> Joint Local Governments November 16, 2020 Reply Comments at 28.

<sup>319</sup> Acton October 16, 2020 Opening Comments at 4.

We find Joint Local Governments' examples of PG&E's and SCE's information-sharing problems as hindering to the ability of their members to plan and respond to the de-energization particularly egregious. While PG&E does not admit to any deficiencies in 2019, the SED Report and parties raise numerous problems regarding consistency, accuracy, and timeliness of communications from PG&E to public safety partners, such as PG&E's failure to accurately and timely convey GIS shapefiles to public safety partners and the untimely requests by PG&E during a de-energization for public safety partners to enter into non-disclosure agreements before exchanging needed customer-specific information. PG&E agrees - going forward - to improve.

SCE admits it must provide more targeted information based on circuit-specific activity so that public safety partners get relevant information based on their locations.

While the SED Report provides somewhat conflicting conclusions on SDG&E's compliance with this guideline, no party raises issues regarding SDG&E.

Based on the information in the record, we find PG&E and SCE failed to reasonably comply with this directive in 2019 and, in failing to reasonably comply with this directive, PG&E and SCE failed to comply with the obligation to promote safety in Pub. Util. Code § 451. Based on the information in the record, we find SDG&E's conduct reasonably complies with the PSPS Guidelines and Pub. Util. Code § 451. The corrective action adopted in response to noncompliance are set forth below.

Regarding the second component of this guideline, the requirement that utilities share best practices, we find PG&E made little (or no) effort in this regard in 2019 and makes no commitments to engage in the sharing of best



practices going forward; SCE commits, on a going forward basis, to work with the other utilities but makes no mention of such efforts in 2019; and SDG&E appears to state it engaged in such efforts in 2019, but provides no examples of such efforts, and states it will continue to engage in such efforts to share best practices with the other utilities in the future. Overall, we find the efforts by utilities to share best practices demonstrate a lack of initiative to promote safety and are wholly insufficient. As the Commission recognized in D.19-05-042, only by working together and sharing best practices will utilities be able to ensure all Californians receive the safest service before, during, and after a proactive de-energization.

For these reasons, we find PG&E, SCE, and SDG&E failed to reasonably comply with this directive to collaborate on best practices and, in failing to reasonably collaborate, failed to comply with the obligation to promote safety in Pub. Util. Code § 451. The corrective actions that we adopt in respond to this finding are set forth below.

**8.3.5. Corrective Action - Information Sharing: Utilities Must Work Together, Share Best Practices, Ensure Sharing of Consistent Information with Public Safety Partners**

PG&E, SCE, and SDG&E shall immediately initiate a collaborative effort, to be referred to as the Joint Utility PSPS Working Group, which shall include, at a minimum, a monthly joint utility meeting to share all lessons learned and best practices pertaining to all aspects of their communications practices with public safety partners, including all technology and all notifications, with the goal of collaborating on best practices to communication with public safety partners before, during, and after a proactive de-energization. PG&E, SCE, and SDG&E shall comply with the reporting requirement herein pertaining to the Joint Utility PSPS Working Group.

#### **8.4. Information Sharing: Seamless Communication with Emergency Responders and Local Governments**

In 2019, the PSPS Guidelines required that utilities must “be seamlessly integrated when communicating de-energization notifications” with emergency responders and local governments.<sup>320</sup> As stated in 2019, the Commission's goal in requiring “seamless” communications was “to ensure the public receives timely notice of proactive de-energization.”<sup>321</sup> Regarding this directive, the Commission clarified that utilities “retain ultimate responsibility for notification and communication throughout a de-energization event.”<sup>322</sup> Regarding “seamless” communications with emergency responders and local governments, the Commission also stated in 2019 that utilities should treat proactive de-energizations like any other emergency situation that results in loss of electric power and, in addition, that utilities and other affected entities should use the Standard Emergency Management Systems or SEMS, overseen by Cal OES (the California Governor’s Office of Emergency Services) to achieve seamless communications.<sup>323</sup>

On October 8, 2019, the Commission clarified this directive in a letter from the Commission’s Executive Director and, later, in a Commission Resolution authorizing PG&E, SCE, and SDG&E to provide, upon request, Medical Baseline information to county and tribal government emergency response personnel.<sup>324</sup>

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<sup>320</sup> D.19-05-042, Appendix A at A2.

<sup>321</sup> D.19-05-042 at 5.

<sup>322</sup> D.19-05-042, Appendix A at A2.

<sup>323</sup> More information about SEMS is available on the website of Cal OES at: <https://www.caloes.ca.gov/home>.

<sup>324</sup> Resolution L-598 (December 9, 2019) at 1.

On October 23, 2019, the Commission further clarified this issue with a second letter from the Executive Director requesting PG&E, SCE, and SDG&E share with county or tribal governments, upon request, addresses within their jurisdiction impacted by current and future PSPS events.<sup>325</sup>

Besides suggesting utilities rely on SEMS and other existing frameworks for emergency situations, the Commission in 2019 did not dictate how the utilities might structure “seamless” communications with emergency responders and local governments. The goal, however, was clear in 2019: ensure the public receives timely notice from utilities of proactive de-energization.

Below we review whether the utilities reasonably complied with this 2019 PSPS Guideline pertaining to notice within the context of the obligation to promote safety set forth in Pub. Util. Code § 451.

#### **8.4.1. SED Report - Information Sharing: Seamless Communication with Emergency Responders and Local Governments**

Regarding PG&E, the SED Report refers to comments by Joint Local Governments, City of San Jose, Rural County Representatives of California, and CalCCA and concludes that, regarding the October 2019 de-energizations, PG&E established barriers by, among other things, requiring non-disclosure agreements that prevented the seamless flow of information required by local jurisdiction to quickly respond to evolving conditions immediately prior to and during a de-energization.<sup>326</sup> The SED Report further concludes “local jurisdictions should not have to argue over the confidentiality of customer location information in

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<sup>325</sup> Resolution L-598 (December 9, 2019) at 1.

<sup>326</sup> SED Report at 46.

order to serve their constituents.”<sup>327</sup> The SED Report does not address why PG&E did not secure these non-disclosure agreements from all local jurisdictions prior to the onset of the 2019 fire season.

Regarding SCE, the SED Report found barriers appeared to exist to the sharing of information due to SCE's internal protocols and concludes SCE should “improve its sharing of confidential information with public safety partners.”<sup>328</sup> The SED Report notes that, based on the information provided by SCE, SCE may have failed to designate Clean Power Alliance as a public safety partner.<sup>329</sup>

The SED Report does not address SDG&E's compliance with this directive.

No further matters are addressed in the SED Report regarding the Commission's requirement for seamless communications with emergency responders and local governments. Notably, the SED Report does not opine on the use of SEMS and other existing frameworks in emergency situations, such as PSPS events, to facilitate “seamless” communications with emergency responders and local governments.

#### **8.4.2. Utilities - Information Sharing: Seamless Communication with Emergency Responders and Local Governments**

In response to the SED Report, PG&E states it provided the non-disclosure agreement to approximately 100 local jurisdictions in 2019 and, at that time, it considered these non-disclosure agreements routine and necessary to comply with “Commission confidentiality requirements.”<sup>330</sup> PG&E does not specify what it means by “Commission confidentiality requirements.” PG&E further

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<sup>327</sup> SED Report at 47.

<sup>328</sup> SED Report at 48.

<sup>329</sup> SED Report at 48.

<sup>330</sup> PG&E September 2, 2020 Opening Comments at 20-21.

claims since the confusion surrounding non-disclosure agreements in 2019, the Commission has confirmed that utilities must treat customer information as confidential and only release such information to local governments pursuant to non-disclosure agreements or other similar agreements.<sup>331</sup> In addition, PG&E claims it has improved and streamlined its sharing of customer information with local governments.<sup>332</sup> Based on its characterization of the Commission requirements on the confidential treatment of customer information and PG&E's efforts to improve in 2020, PG&E states no issues exist here to resolve.<sup>333</sup> Regarding SEMS, PG&E acknowledges that in 2019, while it required multi-hour training, it "did not require our employees who serve in the EOC [Emergency Operations Center] (which includes individuals responsible for operations, meteorology, customer service, government relations, finance, law, logistics, and many other areas of expertise) to complete the official multi-day SEMS/ICS [Incident Command System]<sup>334</sup> training or to have specific emergency management experience."<sup>335</sup> From this statement, in 2019 PG&E appears to have

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<sup>331</sup> PG&E September 2, 2020 Opening Comments at 21, citing to Resolution L-598, *Resolution on the Commission's Own Motion to Ratify the Executive Director's Directives: (1) to Provide Medical Baseline Information to County and Tribal Government Emergency Response Personnel, and (2) to Share with County and Tribal Governments Public Safety Power Shutoff (PSPS) Affected Addresses* (December 9, 2019), and D.20-05-001.

<sup>332</sup> PG&E September 2, 2020 Opening Comments at 21.

<sup>333</sup> PG&E September 2, 2020 Opening Comments at 21.

<sup>334</sup> In the emergency management context, Incident Command System or ICS generally refers to the combination of facilities, equipment, personnel, procedures, and communications operating within a common organizational structure and designed to aid in the management of resources during incident response.

<sup>335</sup> PG&E November 16, 2020 Reply Comments at 15.

required several hours of training but the length of the training did not amount to full days.

SCE states that in 2019 it complied with the Commission's directive to facilitate “seamless” communications and, toward this end, it held regular meetings with all county offices of emergency management, reflecting the coordination recommended by SEMS.<sup>336</sup> Further expanding on its reliance on SEMS, SCE states it relied on SEMS, by implementing a standardized planning and response framework with public safety partners for PSPS events through alignment with the SEMS guidelines.<sup>337</sup>

SDG&E states that, in 2019, it did not provide public safety partners with numbers of affected customers, as public safety partners did not request this information.<sup>338</sup> SDG&E further states it was prepared, pursuant to an October 2019 letter from the Commission's Executive Director, to provide customer information upon the request of a public safety partner.<sup>339</sup> Regarding its reliance on SEMS to promote seamless communications, SDG&E states that, consistent with SEMS, it contacted public safety officials in impacted and adjacent jurisdictions prior to and during events.<sup>340</sup>

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<sup>336</sup> SCE September 2, 2020 Opening Comments at 34; SCE November 16, 2020 Reply Comments at 15.

<sup>337</sup> SCE September 2, 2020 Opening Comments at 32.

<sup>338</sup> SDG&E September 2, 2020 Opening Comments at 26.

<sup>339</sup> SDG&E September 2, 2020 Opening Comments at 26.

<sup>340</sup> SDG&E September 2, 2020 Opening Comments at 12.

#### **8.4.3. Parties - Information Sharing: Seamless Communication with Emergency Responders and Local Governments**

City of San Jose's comments focus on PG&E's failures to provide it with "seamless" communications and PG&E's refusal to provide customer information to local jurisdiction in 2019.<sup>341</sup> City of San Jose states stakeholders experienced significant frustration around PG&E's refusal to provide customer information in the midst of certain 2019 de-energizations without a non-disclosure agreement and, as a result, the ability of jurisdictions to serve their constituents was greatly hindered.<sup>342</sup> While the Commission's Executive Director sought to address the matter in two letters issued in October 2019, City of San Jose identifies a significant amount of confusion around the directives set forth in those Executive Director letters.<sup>343</sup> According to City of San Jose, the Executive Director's October 2019 letters only partially resolved the confusion. City of San Jose explains PG&E first only provided information related to Medical Baseline customers and, only after the Executive Director's second letter, on October 23, 2019, did PG&E agree to share information regarding other customers. City of San Jose further notes that because the October 2019 letters only addressed requests by county or tribal governments (but not city or local governments) for customer information, PG&E continued to withhold information from city and local governments. City of San Jose only learned of the identity of certain Medical Baseline customers, not even notified by PG&E but by the County of Santa Clara, only 30 minutes before a de-energization.<sup>344</sup>

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<sup>341</sup> City of San Jose October 16, 2020 Opening Comments at 12.

<sup>342</sup> City of San Jose October 16, 2020 Opening Comments at 12.

<sup>343</sup> City of San Jose October 16, 2020 Opening Comments at 12.

<sup>344</sup> City of San Jose November 16, 2020 Reply Comments at 6.

Regarding PG&E, Joint Local Governments describe experiences similar to City of San Jose.<sup>345</sup> Joint Local Governments conclude PG&E failed to seamlessly communicate and failed to rely on SEMS.

Joint Local Governments find that SCE did not coordinate with emergency management offices to ensure that its messaging in 2019 was seamlessly integrated with those entities' messaging.<sup>346</sup> Joint Local Governments further state neither Kern nor Santa Barbara Counties recall effective efforts at coordination from SCE to integrate its messaging, seamlessly or otherwise, into local messaging.<sup>347</sup> Joint Local Governments point to other shortcomings with SCE's compliance.<sup>348</sup>

Parties do not address SDG&E's compliance with the directive to seamlessly communicate with emergency responders and local governments.

#### **8.4.4. Discussion - Information Sharing: Seamless Communication with Emergency Responders and Local Governments**

In D.19-05-042, the Commission required utilities to "seamlessly" communicate de-energization notifications with emergency responders and local governments and, in addition, to rely on the existing frameworks established by SEMS to achieve "seamless" communications.<sup>349</sup> Overall, the SED Report finds PG&E created barriers to "seamless" communications and significant confusion by requiring non-disclosure agreements during a PSPS event. While PG&E states

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<sup>345</sup> Joint Local Governments November 16, 2020 Reply Comments at 27.

<sup>346</sup> Joint Local Governments November 16, 2020 Reply Comments at 25.

<sup>347</sup> Joint Local Governments November 16, 2020 Reply Comments at 25.

<sup>348</sup> Joint Local Governments November 16, 2020 Reply Comments at 22-23.

<sup>349</sup> D.19-05-042 at 5.



it contacted many local jurisdictions in advance of the late 2019 PSPS events, PG&E clearly did not contact enough. Furthermore, as explained by Joint Local Governments and City of San Jose, PG&E's last-minute requests for non-disclosure agreements – in the midst of a PSPS event – significantly hindered outreach by local jurisdictions to ensure the safety of their local residents. We find it inconceivable that PG&E did not act to secure these non-disclosure agreements earlier. Regarding the other component of this guideline, the use of SEMS, PG&E admits it did not use SEMS as a resource to prepare for 2019.

We find SCE performed somewhat better in 2019 than PG&E in terms of “seamless” communications but SCE’s customers did experience problems due to, as stated in the SED Report, internal protocols that hindered communications. Parties similarly experienced problems. Regarding reliance on SEMS, SCE states it followed SEMS in 2019 and no evidence contrary to this assertion exists.

We find that both PG&E and SCE failed to “seamlessly” communicate with emergency responders and local governments in 2019. As a result, we find in 2019 PG&E and SCE failed to reasonably comply with the directive to seamlessly communication with emergency responders and local governments and, in failing to seamlessly communicate, failed to comply with the obligation to promote safety in Pub. Util. Code § 451. The corrective actions that we adopt in response to this finding are discussed below.

Regarding SDG&E, neither the SED Report nor the parties raise issues specific to SDG&E regarding seamless communications. Accordingly, we find SDG&E reasonably complied with this directive and Pub. Util. Code § 451 in 2019.

However, from our review of the 2019 PSPS event, we find all three utilities would benefit from further integration of the SEMS framework into their

de-energization protocols and staffing and, therefore, we direct the utilities to immediately begin this integration process for all protocols and with all personnel that are involved in PSPS. In doing so, we modify our position in D.19-05-042, which suggested that integration of the SEMS framework was optional or just for EOC staff.<sup>350</sup> We now find that integration of the SEMS framework is mandatory, must be comprehensive, and must be accomplished expeditiously.

We address issues related to the sharing of customer information under non-disclosure agreements, as also addressed in Resolution L-598, at Section. 8.1, herein.

#### **8.4.5. Corrective Action - Information Sharing: Seamless Communication with Emergency Responders and Local Governments**

PG&E and SCE shall immediately develop and implement improvements to their communications protocol with all emergency responders and local governments so communication before, during, and after a de-energization is seamless, and, by these improvements, PG&E and SCE achieve the Commission's goal of ensuring the public receives timely notice of proactive de-energizations.

PG&E, SCE, and SDG&E shall expeditiously (1) integrate, to the fullest extent possible, all aspects of the SEMS framework into their de-energization protocols and (2) provide training under the SEMS framework, to the fullest extent possible, to all PSPS personnel.

PG&E, SCE, and SDG&E shall immediately initiate a collaborative effort, to be referred to as the Joint Utility PSPS Working Group, which shall include, at a minimum, a monthly joint utility meeting to share all lessons learned and best practices pertaining to all aspects of their communications practices with

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<sup>350</sup> D.19-05-042 at 100, stating "[T]he utilities should, consistent with the principles of SEMS, follow the notification practices included therein, which means that the utilities will be responsible for contacting local public safety officials in impacted jurisdictions, through pre-designated channels prior to and during a de-energization event."

emergency responders and local governments, including all technology and all notifications, to achieve the Commission's goal of ensuring the public receives timely notice of proactive de-energizations. PG&E, SCE, and SDG&E shall comply with the reporting requirement herein pertaining to the Joint Utility PSPS Working Group.

#### **8.5. Information Sharing: Timely Share Geographic Information System Data with Public Safety Partners via Secure Data Transfer**

In 2019, the PSPS Guidelines required that utilities: “must, at the time of first notification preceding a de-energization event, make available a Geographic Information System [GIS] shapefile via a secure data transfer” to public safety partners in affected and adjacent jurisdictions.<sup>351</sup> Furthermore, in 2019, utilities were required to “show affected circuits and any other information requested by public safety partners that can be reasonably provided by the utility” in this GIS shapefile data transfer.<sup>352</sup>

A number of requirements are included in this guideline, including that the utilities (1) at the same point in time as the first notification prior to a de-energization, (2) provide GIS shapefiles via secure transfer (3) to public safety partners in affected and adjacent jurisdictions (4) that show, at a minimum, affected circuits and, (5) in addition, respond to other reasonable requests for information by these public safety partners.

Below we review whether the utilities reasonably complied with the directive to timely share GIS shapefiles, including affected circuits and, upon request, other additional reasonable information in compliance with this 2019

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<sup>351</sup> D.19-05-042, Appendix A at A16-A17.

<sup>352</sup> D.19-05-042, Appendix A at A16-A17.

PSPS Guideline within the context of the utility obligation to promote safety set forth in Pub. Util. Code § 451.

**8.5.1. SED Report – Information Sharing: Timely Share Geographic Information System Data with Public Safety Partners via Secure Data Transfer**

Regarding PG&E, the SED Report concludes the available information about PG&E's conduct is conflicting. The SED Reports finds that PG&E claims it complied with this guideline but the SED Report also states that parties found PG&E's compliance with this guideline unacceptable.<sup>353</sup> The SED Report concludes PG&E should (1) provide public safety partners access to GIS shapefiles via its PSPS secure web portal (2) document this availability in the 10-day post-event reports and (3) document whether PG&E provided real time updates to the GIS shapefiles for public safety partners during a PSPS event.<sup>354</sup>

Regarding SCE, the SED Report finds that, because SCE failed to anticipate the magnitude of the increase in website traffic, public safety partners were unable to access the website for critical information. As a result, the SED Report further finds that, although SCE also made GIS shapefiles available on the SCE *Representational State Transfer* server (also known as the REST server), SCE failed to inform public safety partners of this alternative means of accessing the relevant information.<sup>355</sup> The SED Report concludes that SCE should improve the timely sharing of this information with public safety partners during a PSPS event via either a secure web portal or the REST server.<sup>356</sup>

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<sup>353</sup> SED Report at 49.

<sup>354</sup> SED Report at 49.

<sup>355</sup> SED Report at 50.

<sup>356</sup> SED Report at 50.

The SED Report does not address SDG&E's compliance with this guideline.

**8.5.2. Utilities - Information Sharing: Timely Share Geographic Information System Data with Public Safety Partners via Secure Data Transfer**

Regarding this topic, PG&E points to improvement in 2020, stating PG&E has now opened access to its PSPS secure web portal to those public safety partners that did not have access in 2019, including telecommunications providers, water providers, hospitals, and publicly owned utilities. In addition, PG&E states it now provides circuit-level information as a map layer and/or lists by jurisdiction on its PSPS secure web portal and this information is available to all public safety partners. Since 2019, PG&E further states it has created a more precise parcel-level mapping process to address the overly broad polygon maps used in 2019. These maps, according to PG&E, were developed in conformity with discussions with the Cal OES. Lastly, PG&E states that the accuracy of PG&E's GIS maps in 2019, as well as public safety partner access to PG&E's PSPS secure web portal in 2019, are issues in the pending *Order to Show Cause* phase of R.18-12-005 and should not be considered in this proceeding.<sup>357</sup>

SCE states that Joint Local Governments' conclusions are incorrect. SCE states it continuously shared information with public safety partners through virtual meetings and seminars.<sup>358</sup> SCE further states that Joint Local Governments are incorrect that SCE failed to partner with critical facilities to assess backup generation needs.<sup>359</sup> SCE claims that, since 2018, it has specifically

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<sup>357</sup> PG&E November 16, 2020 Reply Comments at 14.

<sup>358</sup> SCE November 16, 2020 Reply Comments at 15.

<sup>359</sup> SCE November 16, 2020 Reply Comments at 15.

discussed backup generation capabilities for resiliency purposes and solicited input from public safety partners about critical infrastructure providers.<sup>360</sup> Lastly, SCE states that, under the existing PSPS Guidelines and Commission decisions, it is not obligated to provide backup generation to critical infrastructure providers but nevertheless, SCE offers consultative services for resiliency planning upon request.<sup>361</sup>

SDG&E states that prior to the 2019 fire season it developed a secure transfer portal for GIS files for public safety partners and, when requested, provided relevant GIS data, including identification of critical facilities, circuits, and number of Medical Baseline customers, to local jurisdictions in advance of the 2019 wildfire season.<sup>362</sup> SDG&E further states that GIS data was used for operational coordination between public safety partners and SDG&E during the wildfire season pre-planning phase in 2019 to ensure operational readiness.<sup>363</sup>

#### **8.5.3. Parties – Information Sharing: Timely Share Geographic Information System Data with Public Safety Partners via Secure Data Transfer**

Joint Local Governments state PG&E and SCE failed to comply with this guideline and their attempts were fundamentally flawed because PG&E and SCE did not provide, on a timely basis, a sufficient level of detail and accuracy in the GIS shapefiles and, therefore, failed to achieve the purpose of this guideline, to ensure local jurisdictions had the information they needed to respond to the 2019

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<sup>360</sup> This decision addresses backup power at Section 9.11., herein.

<sup>361</sup> SCE November 16, 2020 Reply Comments at 15.

<sup>362</sup> SDG&E September 2, 2020 Opening Comments at 10.

<sup>363</sup> SDG&E September 2, 2020 Opening Comments at 10.

de-energizations.<sup>364</sup> Joint Local Governments also affirm the finding of the SED Report that deficiencies existed in PG&E's PSPS secure web portal for public safety partners and PG&E failed to provide City of San Jose with circuit maps.<sup>365</sup> Joint Local Governments also state that any improvements that PG&E now claims it has made to its GIS information are irrelevant to the quality of the data provided in 2019, which was generally poor.<sup>366</sup>

Regarding SCE, Joint Local Governments further state SCE did not provide Santa Barbara with critical facilities information and did not effectively communicate the availability of its GIS files to all public safety partners, as some public safety partners were not aware of or never received this information in 2019.<sup>367</sup>

#### **8.5.4. Discussion – Information Sharing: Timely Share Geographic Information System Data with Public Safety Partners via Secure Data Transfer**

When adopting this guideline in 2019, the Commission explained its purpose and importance, which we summarize as follows - to facilitate decision-making on the state and local level, it is critical utilities provide accurate and timely geospatial information to public safety partners prior to and during a PSPS event and this information must be in a format that can be rapidly integrated into the public safety partners' existing tools.<sup>368</sup> In short, we were clear in 2019, exchanging geospatial information with public safety partners,

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<sup>364</sup> Joint Local Governments October 16, 2020 Opening Comments at 20-21.

<sup>365</sup> Joint Local Governments October 16, 2020 Opening Comments at 20-21.

<sup>366</sup> Joint Local Governments November 16, 2020 Reply Comments at 20.

<sup>367</sup> Joint Local Governments October 16, 2020 Opening Comments at 21.

<sup>368</sup> D.19-05-042 at 94-95.

many of whom are entities that must rapidly respond to the essential needs of their communities, was a fundamental part of the utilities' obligation to promote public safety during a de-energization.

Nevertheless, gaps and failures in PG&E's and SCE's execution of the exchange of geospatial information existed in 2019. PG&E does not contest the findings of deficiencies by the SED Report and by parties. SCE contests the findings of deficiencies, claiming it had systems in place to facilitate the exchange of geospatial information with public safety partners, but SCE does not contest the finding by Joint Local Governments that SCE failed to effectively communicate the availability of this information to public safety partners.

For these reasons, we find PG&E failed to reasonably comply with this guideline in 2019 for a number of reasons, including the insufficient level of detail in its shared geospatial information, the inaccuracies in the information it provided, and its problems with the PSPS secure web portal for public safety partners. We also find SCE failed to reasonably comply with this guideline by not effectively communicating the availability of its geospatial data to public safety partners. In addition, in failing to accurately provide and timely exchange geospatial information, PG&E and SCE also failed to comply with the obligation to promote safety in Pub. Util. Code § 451. The corrective actions that we adopt in response to this finding are discussed below.

Neither the SED Report nor the parties raise issues specific to SDG&E regarding its accurate provision and timely exchange of geospatial information in 2019. Accordingly, we conclude SDG&E reasonably complied with this guideline in 2019.



#### **8.5.5. Corrective Action – Information Sharing: Timely Share Geographic Information System Data with Public Safety Partners via Secure Data Transfer**

PG&E and SCE shall immediately develop and implement improvements to their protocols to enable the accurate provision and timely exchange of geospatial information to public safety partners in preparation for an imminent PSPS event and during a PSPS event, and, by these improvements, PG&E and SCE shall achieve the Commission's goal of facilitating rapid decision-making on the state and local level.

PG&E, SCE, and SDG&E shall include a statement in the 10-day post-event reports verifying the availability to public safety partners of (1) accurate and timely geospatial information and (2) real time updates to the GIS shapefiles in preparation for an imminent PSPS event and during a PSPS event.

PG&E, SCE, and SDG&E shall immediately initiate a collaborative effort, to be referred to as the Joint Utility PSPS Working Group, which shall include, at a minimum, a monthly joint utility meeting to share all lessons learned and best practices pertaining to the exchange of geospatial information with public safety partners in preparation for an imminent PSPS event and during a PSPS event. PG&E, SCE, and SDG&E shall comply with the reporting requirement herein pertaining to the Joint Utility PSPS Working Group.

#### **8.6. Coordinate with Emergency Operations Centers and Incident Command Systems: Invite Water and Communications Infrastructure Providers to Utility Emergency Operations Centers**

In 2019, the PSPS Guidelines required utilities to invite representatives of certain entities to the utility emergency operations center during a PSPS event, stating “utilities must invite [to the utility’s PSPS emergency operation center] representatives from ..., water infrastructure providers, and communication service providers. In the alternative, the utilities may develop a mutually agreeable communications structure with water infrastructure providers and

communication service providers in lieu of holding seats in its emergency operations center.”<sup>369</sup>

Below we review whether the utilities reasonably complied with the guideline to invite water and telecommunications infrastructure providers to the utility’s emergency operations center, or agree to another means to communicate, within the context of Pub. Util. Code § 451.

**8.6.1. SED Report - Coordinate with Emergency Operations Centers and Incident Command Systems: Invite Water and Communications Infrastructure Providers to Utility Emergency Operations Centers**

The SED Report focuses on efforts by the utilities to coordinate with water and telecommunications infrastructure providers during a PSPS event at the utility’s emergency operations center. Regarding PG&E, the SED Report states that PG&E, in its post-event reports for October and November 2019, did not address whether PG&E invited representatives from water and telecommunication service providers to its emergency operations centers. The SED Report further states, that in response to an SED data request, PG&E stated that it “engaged” with these entities in 2019 event but did not extend an “invitation in writing” to its emergency operations center.”<sup>370</sup>

Regarding SCE, the SED Reports finds SCE did not invite any water infrastructure or communication service providers to its emergency operations center during the 2019 PSPS events. Instead, according to the SED Report, SCE conducted workshops in 2019 with those entities on SCE’s PSPS process and

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<sup>369</sup> D.19-05-042, Appendix A at A21 and Conclusion of Law 32 at 128, stating “When an electric investor-owned utility forms an EOC, it must hold a space for and invite representatives from Cal OES, water infrastructure providers, and communication providers.”

<sup>370</sup> SED Report at 27.

procedures.<sup>371</sup> The SED report concludes that had local representatives been invited by PG&E and SCE to each emergency operations center or if adequate coordination on communication had occurred in advance, “the impact of PG&E and SCE PSPS events could have been minimized.”<sup>372</sup> Instead, the SED Report finds critical communications and water infrastructure facilities were not adequately prepared, they lost power, did not have backup power necessary to maintain emergency communications, and did not have sufficient backup power to provide water service to the affected population.<sup>373</sup>

The SED Report does not address SDG&E’s compliance with this guideline.

**8.6.2. Utilities - Coordinate with Emergency Operations Centers and Incident Command Systems: Invite Water and Communications Infrastructure Providers to Utility Emergency Operations Centers**

In response to criticism in the SED Report and by parties, PG&E, SCE, and SDG&E generally state they adequately coordinated with water and communications providers in 2019. The utilities, however, acknowledge that since 2019, they have taken steps to improve the communication processes with water and communications providers for future PSPS.

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<sup>371</sup> SED Report at 28.

<sup>372</sup> SED Report at 82.

<sup>373</sup> SED Report at 82, stating: “Neither PG&E nor SCE invited water and communications infrastructure provider into its respective EOCs. As described in the previous sections, critical facilities lost power and may not have had the backup power necessary to maintain emergency communications or provide water to the public. The impact of PG&E and SCE PSPS events could have been minimized had the proper representatives been invited to each EOC or if adequate coordination occurred in advance.”

PG&E states it engaged extensively with “critical facilities” since “the PSPS program began in 2018 to encourage preparedness and improve coordination before and during a PSPS event, including in-person workshops, online webinars, listening sessions, and one-on-one outreach each year.”<sup>374</sup> PG&E states this engagement included telecommunications providers but does not specifically address engagement with water providers, as part of this “extensive” engagement with critical facilities. PG&E further states that, since the 2019 PSPS events, it has now “formally” invited water and telecommunications providers to its emergency operations centers and, in addition, established communication protocols via its “Critical Infrastructure Lead for communication providers and with local OECs for water providers.”<sup>375</sup> PG&E agrees that, generally, coordination between utilities, critical facilities, and public safety partners could be improved and recommends this issue be addressed in the next phase of R.18-12-005.<sup>376</sup> PG&E does not specifically address the modifications, if any, that would be needed to the PSPS Guidelines to achieve improvement in the coordination with water and communications providers. PG&E states it met the PSPS guidelines compliance requirement in 2019, as found in Resolution ESRB-8.<sup>377</sup> PG&E does not state it met the PSPS Guidelines in D.19-05-042.

SCE states that in 2019 it met with critical facilities, including telecommunication and water/wastewater customers, to review backup

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<sup>374</sup> PG&E November 16, 2020 Reply Comments at 12.

<sup>375</sup> PG&E September 2, 2020 Opening Comments at 11.

<sup>376</sup> PG&E September 2, 2020 Opening Comments at 31.

<sup>377</sup> PG&E November 16, 2020 Reply Comments at 13.

generation plans and offered consultative assistance.<sup>378</sup> SCE provides little additional information on coordinating with water and communications providers in 2019. For instance, SCE does not indicate it invited water and communication providers to its emergency operations centers. Instead, SCE focuses on improvements since 2019 and states, for example, it solicited feedback on the 2019 PSPS events from water and communications service providers.<sup>379</sup> In January, February and June of 2020, SCE states its “Business Customer Division” hosted resiliency workshops for water and communications providers and solicited feedback specifically on the 2019 activations. SCE further states it used this information to improve communications with water and communications providers during future PSPS events.<sup>380</sup> SCE concludes it has consistently coordinated with communication providers, in particular “[s]ince 2018, [as] SCE Account Managers have collaborated with telecommunication customers, whom it categorizes as Public Safety Partners, to provide awareness of PSPS and to educate them on the importance of developing a resiliency plan.”<sup>381</sup> For these reasons SCE states it substantially complied with this guideline in 2019 and, since 2019, has improved its processes and implemented new protocols.<sup>382</sup>

SDG&E states it “maintained strong partnerships with the telecommunications providers and water/wastewater districts in its service territory and already had a notification strategy in place that worked well with

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<sup>378</sup> SCE November 16, 2020 Reply Comments at 10.

<sup>379</sup> SCE November 16, 2020 Reply Comments at 18.

<sup>380</sup> SCE September 2, 2020 Opening Comments at 6-7.

<sup>381</sup> SCE November 16, 2020 Reply Comments at 19.

<sup>382</sup> SCE November 16, 2020 Reply Comments at 20.

the telecommunications providers during PSPS events in 2018.”<sup>383</sup> SDG&E further states it “made seats available” in its emergency operations centers for telecommunications providers and water/wastewater districts, however, these entities often preferred to communicate directly with their assigned “Account Executive.”<sup>384</sup> SDG&E concludes it complied with this guideline when it implemented the PSPS events in 2019.<sup>385</sup>

**8.6.3. Parties - Coordinate with Emergency Operations Centers and Incident Command Systems: Invite Water and Communications Infrastructure Providers to Utility Emergency Operations Centers**

Regarding SCE, Acton states SCE, by merely conducting “workshops” and “exercises,” failed to meet the burden imposed by Resolution ESRB-8 to assist critical facility customers so that they are well prepared for a power shutoff. Acton further states SCE's outreach efforts involving “workshops” and “exercises” failed to achieve the intent of SB 901 because these workshops and exercises did not rise to the level of engagement needed to mitigate PSPS impacts on critical communication facilities in North Los Angeles County.<sup>386</sup> Action describes the impact of the 2019 PSPS events, as cutting off all communications to rural residents in Acton and surrounding areas. Acton describes a desperate situation in North Los Angeles County in early November 2019 in the absence of electric power, stating the residents of Acton tried to “engage” SCE on this issue and even pleaded with SCE to not initiate any more PSPS events until it was

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<sup>383</sup> SDG&E September 2, 2020 Opening Comments at 14.

<sup>384</sup> SDG&E September 2, 2020 Opening Comments at 13.

<sup>385</sup> SDG&E September 2, 2020 Opening Comments at 14.

<sup>386</sup> Acton October 16, 2020 Opening Comments at 4.

certain that telecommunication facilities in the area were equipped with backup generation that was sufficient to withstand future SCE's PSPS events.<sup>387</sup>

Regarding both PG&E and SCE, Joint Local Governments states, generally, that instead of doing the work to partner with critical facilities to assess resiliency and troubleshoot problems, PG&E and SCE hid behind a mantra of personal responsibility and self-reliance.<sup>388</sup>

Regarding PG&E, Joint Local Governments points out that “[w]hether PG&E asked local governments to identify or verify critical facilities is irrelevant to whether PG&E worked with those critical facilities to assess their resiliency, as the Commission ordered. Even if PG&E did coordinate with some critical facilities before the 2019 fire season, it did not do so with a significant number of facilities or with the facilities in each county that were essential to public health and safety, such as hospitals, water facilities....”<sup>389</sup>

Regarding SCE, CforAT acknowledges SCE's commitment to improvements going forward but states SCE remains vague on what actions it will actually take to improve communications with water and communication providers.<sup>390</sup>

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<sup>387</sup> Acton October 16, 2020 Opening Comments at 4.

<sup>388</sup> Joint Local Governments October 16, 2020 Opening Comments at 15.

<sup>389</sup> Joint Local Governments October 16, 2020 Opening Comments at 15-16.

<sup>390</sup> CforAT October 16, 2020 Opening Comments at 16.

**8.6.4. Discussion - Coordinate with Emergency Operations Centers and Incident Command Systems: Invite Water and Communications Infrastructure Providers to Utility Emergency Operations Centers**

Based on the information in the record of this proceeding, as summarized above, we find PG&E and SCE failed to reasonably comply with the guideline to invite water and telecommunications infrastructure providers to the utility's emergency operations center or agree to another means to communicate regarding PSPS events, and in failing to reasonably comply with this guideline, failed to comply with the utility obligation to promote safety in Pub. Util. Code § 451.

We further find SDG&E reasonably complied with the guideline to invite water and telecommunications infrastructure providers to the utility's emergency operations center or agree to another means to communicate.

In D.20-05-051, the Commission addressed the problems raised here regarding adequate coordination with water and communication service providers for PSPS events, stating:

“Regarding resilience, there are services critical to California that rely on power to function, including transportation, communications, and water system infrastructure. ...the adopted guideline regarding resiliency indicates that the IOUs need to work with the appropriate governing authorities to identify critical transportation, water, and communications infrastructure. The electric IOUs must work with those governing bodies to provide backup generation to ensure critical infrastructure is not taken offline during a de-energization event.”<sup>391</sup>

As such, we find that the problems that arose in 2019 concerning water and communications service providers have been addressed in D.20-05-051. To

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<sup>391</sup> D.20-05-051 at 54.



further clarify matters going forward, we direct the utilities to include in the 10-day post-event reports a list of all entities invited to their emergency operations centers and indicate in the annual reports, which are required herein, the names of all the entities that the utilities consulted with about backup power needs in an effort to ensure the entity is prepared for a power shutoff. We address backup power further in Section 9.11, herein.

We adopt the corrective actions set forth below.

**8.6.5. Corrective Action - Coordinate with Emergency Operations Centers and Incident Command Systems: Invite Water and Communications Infrastructure Providers to Utility Emergency Operations Centers**

PG&E, SCE, and SDG&E shall include in the 10-day post-event reports the names of all entities invited to the utility's emergency operations centers for a PSPS event, the method used to make this invitation, and whether a different form of communication was preferred by any entity invited to the utility's emergency operations center.

PG&E, SCE, and SDG&E shall file and serve an annual report, with the details of this annual report to be addressed by the Commission in R.18-12-005, and this annual report shall include the names of all the entities that the utility contacted to assess backup power needs and the date of that contact.

**8.7. Coordination with Emergency Operations Centers and Incident Command Systems: Embedded Utility Liaison at Local Emergency Operations Centers**

In 2019, the PSPS Guidelines required that utilities: "must embed a liaison officer at the local emergency operation center," if requested by the local jurisdiction.<sup>392</sup> In addition, the PSPS Guidelines required that utilities: "must also embed a liaison officer at the [Cal OES] State Operations Center," if

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<sup>392</sup> D.19-05-042, Appendix A at A21.

requested.<sup>393</sup> The Commission's goal in requiring a utility embedded liaison was to assess and integrate "wildfire threat data for decision-making" into the local and state jurisdictions.<sup>394</sup> Furthermore, the utility embedded liaison had to be "empowered to provide rapid and accurate information from the utilities" to the local and state jurisdictions.<sup>395</sup>

Below we review whether the utilities reasonably complied with the 2019 guideline to embed a utility liaison, upon request by local and state jurisdictions, "empowered to provide rapid and accurate information from the utilities" and able to assess and integrate "wildfire threat data for decision-making" within the context of the utility obligation to promote safety set forth in Pub. Util. Code § 451.

#### **8.7.1. SED Report – Coordination with Emergency Operations Centers and Incident Command Systems: Embedded Utility Liaison at Local Emergency Operations Centers**

Regarding PG&E, the SED Report states that, although PG&E embedded liaisons at local emergency operation centers, as requested and these liaisons appeared to make efforts to assist, the information PG&E conveyed through these utility liaisons to the local jurisdictions was not adequate and, during one event, the sharing of information was limited.<sup>396</sup>

Regarding SCE, the SED Report states "In SCE's September 2019 Progress Report, it did not clearly state that a liaison from their company would be placed in a local EOC if requested. SCE also did not provide any information on

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<sup>393</sup> D.19-05-042, Appendix A at A21.

<sup>394</sup> D.19-05-042, Appendix A at A21.

<sup>395</sup> D.19-05-042, Appendix A at A21.

<sup>396</sup> SED Report at 25.

whether a liaison had been requested or provided in any of their post-event reports. However, in a response to SED's Data Request, SCE provided the information regarding providing a liaison to the local EOCs."<sup>397</sup>

The SED Report did not address this guideline regarding SDG&E.

**8.7.2. Utilities – Coordination with Emergency Operations Centers and Incident Command Systems: Embedded Utility Liaison at Local Emergency Operations Centers**

PG&E states that since the 2019 PSPS events, it has implemented changes for 2020 that will help improve information sharing. PG&E states these changes include, but are not limited to, an enhanced PSPS Portal with a live interactive map that is updated in real-time, situation reports provided twice-daily and additional Agency Representative staffing so each affected county has a single-point-of-contact to provide information and address local issues.<sup>398</sup>

SCE states it complied with this requirement by providing a utility liaison in 2019 to the State Emergency Office Center and to any local emergency office center, if requested and if feasible. In 2019, SCE states it hosted representatives from Cal OES and Los Angeles County at SCE's emergency operations center as liaisons for multiple PSPS events.<sup>399</sup>

SDG&E states that in 2019 it had a dedicated seat in the county OES emergency operations center and was prepared to embed a liaison in the Cal OES Emergency Operations Center. SDG&E also facilitated a situation-status "Executive Call" with the SDG&E Utility Incident Commander and Cal OES once every operational period. In addition, SDG&E states it had a designated lead

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<sup>397</sup> SED Report at 26.

<sup>398</sup> PG&E September 2, 2020 Opening Comments at 10.

<sup>256</sup> SCE September 2, 2020 Opening Comments at 54.

with decision-making authority located at its emergency operations center at all times during a PSPS event.<sup>400</sup>

### **8.7.3. Parties - Coordination with Emergency Operations Centers and Incident Command Systems: Embedded Utility Liaison at Local Emergency Operations Centers**

Regarding PG&E, CforAT states “In response to complaints from Joint Local Governments included in the SED Report, PG&E described certain changes to its “PSPS Portal” and briefing process, but did not make clear whether these changes are directly responsive to the identified concerns.”<sup>401</sup> Joint Local Governments state “In 2019, PG&E did not communicate effectively with local EOCs and did not design its information-sharing protocols in a way that would ensure that local governments received timely or accurate information from the embedded liaisons or the utility itself.”<sup>402</sup> Joint Local Governments further state that “The fact that, in 2020, PG&E has improved its outage maps and increased Agency Representative staffing is irrelevant to its failures in 2019.”<sup>403</sup> City of San Jose states “PG&E did not allow a member of its emergency management team to be embedded in PG&E’s EOC during the October 9 [2019] PSPS Event.”<sup>404</sup>

Regarding SCE, Joint Local Governments state SCE did not appear to have an established means of transferring information at EOC shift-changes, which

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<sup>400</sup> SDG&E September 2, 2020 Opening Comments at 13.

<sup>401</sup> CforAT October 16, 2020 Opening Comments at 22.

<sup>402</sup> Joint Local Governments October 16, 2020 Opening Comments at 22.

<sup>403</sup> Joint Local Governments November 16, 2020 Reply Comments at 23.

<sup>404</sup> City of San Jose October 16, 2020 Opening Comments at 18-19.

created a lack of continuity and information gaps between the duty officers in the emergency operations center.<sup>405</sup>

No party addressed SDG&E's compliance with this guideline.

#### **8.7.4. Discussion - Coordination with Emergency Operations Centers and Incident Command Systems: Embedded Utility Liaison at Local Emergency Operations Centers**

The purpose of the Commission's directive to utilities to provide embedded liaisons, upon request to local and state jurisdictions, was to ensure the timely and accurate exchange of information critical to the safety of the public during a PSPS event. The SED Report and the parties agree, PG&E efforts to convey and share important information to local and state jurisdictions through embedded utility liaisons was not adequate. As a result, PG&E's communications with local and state jurisdiction during the 2019 PSPS events was "impaired."<sup>406</sup> PG&E does not contest these conclusions and, instead, focuses on improvements made in 2020.

Based on these uncontested 2019 deficiencies, we find in 2019 PG&E failed to reasonably comply with the guideline to embed liaisons, upon request, and to rely on these embedded liaisons to facilitate the timely and accurate exchange of information during a PSPS event, and, in failing to facilitate the exchange of timely and accurate information via embedded utility liaisons, PG&E also failed to comply with the obligation in Pub. Util. Code § 451 to promote safety. The corrective actions we adopt in response to these findings are discussed below.

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<sup>405</sup> Joint Local Governments October 16, 2020 Opening Comments at 23.

<sup>406</sup> SED Report at 68, stating "However, it is unclear whether the liaison was explicitly denied a seat inside PG&E's EOC, denied involvement in the decision-making process, or both. In either case, PG&E did not properly embed the local representative in its EOC and impaired communications with local jurisdictions."

Neither the SED Report nor the parties raise significant issues regarding SCE's or SDG&E's compliance with this guideline and, as a result, we find SDG&E and SCE reasonably complied with this guideline in 2019. However, to the extent parties raised issues pertaining to the SCE liaisons' failures to transfer information between liaisons at shift changes, we find further improvement in this area is needed and, accordingly, address this matter in a corrective action below.

Further, while we only find PG&E failed to reasonably comply with this directive in 2019, we find that all three utilities would benefit from further refinement of the use of their embedded utility liaisons in their de-energization protocols and, therefore, we direct the utilities to immediately begin this process, as noted below in the adopted corrective actions.

**8.7.5. Corrective Action - Coordination with Emergency Operations Centers and Incident Command Systems: Embedded Utility Liaison at Local Emergency Operations Centers**

PG&E, SCE, and SDG&E shall adopt protocols to ensure all relevant information is timely transferred when employees in the role of the embedded utility liaison change during an ongoing PSPS event, such as during an employee shift change.

PG&E must specifically seek and consider protocols from SCE and SDG&E regarding how to effectively rely on embedded utility liaisons to facilitate the timely and accurate exchange of information during a PSPS event and use any information obtained in an effort to improve PG&E's compliance with this guideline.

PG&E, SCE, and SDG&E shall immediately initiate a collaborative effort, to be referred to as the Joint Utility PSPS Working Group, which shall include, at a minimum, a monthly joint utility meeting to share all lessons learned, best practices, and existing protocols related to embedding utility liaisons, upon request, at local and state jurisdictions emergency operations centers during

PSPS events. PG&E, SCE, and SDG&E shall comply with the reporting requirement herein pertaining to the Joint Utility PSPS Working Group.

### **9. Non-Event Specific Requirements – Compliance with Laws, Rules, and Regulations Applicable to PSPS Events**

Section 9 addresses laws, rules, and regulations not specifically implicated in the time period leading up to, during, or soon after a PSPS event. In this Section we review the PSPS Guidelines that set forth the utilities' responsibilities in advance of the need for utilities to notice a PSPS event, meaning, generally, the time period before the start of the wildfire season. In 2019, these responsibilities included, but were not limited to, the following: (1) identifying public safety partners, (2) identifying critical facilities and infrastructure, (3) identifying 24-hour points of contact for critical facilities and infrastructure, (4) updating Medical Baseline contact information, (5) establishing strategies to communicate with all in affected areas, (6) developing strategies to communicate in an understandable manner, (7) developing strategies to communicate with diverse geographic areas and customers, (8) developing strategies to communicate when no electricity is available, (9) providing operational support to public safety partners, (10) developing strategies with public safety partners for possible concurrent emergencies, (11) assessing backup power needs of critical facilities and infrastructure, and (12) updating public safety partner contact information and performing planning exercises.

In the analysis below, we review the utilities' adherence and implementation of the Commission's rules and requirements to PSPS Guidelines set forth above, as applicable in 2019, within the context of Pub. Util. Code § 451. The Commission's review here focuses on areas of concern identified by the SED Report and by parties in this proceeding.

### 9.1. Identify Public Safety Partners

The need for utilities to identify and work with entities falling within the definition of the term “public safety partners” adopted by the Commission in 2019, was clear long in advance of the 2019 fire season. For instance, in 2012, the Commission emphasized the importance of priority notice to a subset of customers, those most vulnerable to power shutoffs, and specifically identifies many of the entities included in the definition of public safety partners adopted by the Commission in 2019.<sup>407</sup> Then in 2018, the Commission elevated the need of utilities to work with local communities and directed utilities to engage in a broad mission: “Meet with representatives from local communities that may be affected by de-energization events, before putting the practice in effect in a particular area.”<sup>408</sup>

In 2019, the Commission stated that “[i]dentification of public safety partners, critical facilities and AFN [Access and Functional Needs] populations in advance of wildfire season is essential to ensure that de-energization occurs as safely and effectively as possible.”<sup>409</sup> While the Commission also acknowledged in 2019 that all “first/emergency responders, critical facilities/critical infrastructure contacts and AFN populations” may not be identified by the 2019 wildfire season, the Commission, for the most part, expected all public safety

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<sup>407</sup> D.12-04-024 at 10-11, “SDG&E should provide as much notice as feasible before shutting off power so the affected providers of essential services (*e.g.*, schools, hospitals, prisons, public safety agencies, telecommunications utilities, and water districts) and customers who are especially vulnerable to power interruptions (*e.g.*, customers who rely on medical life-support equipment) may implement their own emergency plans.”

<sup>408</sup> Resolution ESRB-8 (July 12, 2018) at 6-7.

<sup>409</sup> D.19-05-042 at 78.



partners to be identified and prepared for proactive de-energizations in 2019.<sup>410</sup> In 2019, the Commission had already articulated a clear policy direction that prioritized the need to closely work with key groups, such as public safety partners, in the community.

In 2019, the Commission also identified those entities that utilities must closely coordinate with prior to a proactive power shutoff and referred to these entities as public safety partners. In addition, in 2019, the Commission, among other things, directed utilities to provide public safety partners with "priority notification, "stating:

"The term 'public safety partners' refers to first/emergency responders at the local, state and federal level, water, wastewater and communication service providers, affected community choice aggregators and publicly-owned utilities/electrical cooperatives, the Commission, the California Governor's Office of Emergency Services and the California Department of Forestry and Fire Protection. Public safety partners will receive priority notification of a de-energization event."<sup>411</sup>

Below we review whether the utilities reasonably complied with the directive to identify, coordinate with, and provide priority notification to public safety partners within the context of the utility obligation to promote safety set forth in Pub. Util. Code § 451.

#### **9.1.1. SED Report - Identify Public Safety Partners**

The SED Report states PG&E confirmed "regular contact" with public safety partners leading up to the late 2019 PSPS events.<sup>412</sup> The SED Report further

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<sup>410</sup> D.19-05-042 at 78.

<sup>411</sup> D.19-05-042, Appendix A at A4.

<sup>412</sup> SED Report at 8. (fn. omitted.)

states the identities of these entities included in this “regular contact” is unclear. The SED Report raises the question of whether PG&E considered all cable and telecommunications companies to be “communication service providers” under the definition of public safety partners because some of the members of the CCTA claim they did not receive the same type of notice as other public safety partners.<sup>413</sup>

Regarding SCE, the SED Report finds, based on available documentation, SCE included all relevant entities under the definition public safety partners in 2019 but it remains unclear whether SCE’s outreach to certain public safety partners, including communication service providers and water treatment facilities, was “successful” and whether SCE included all public safety partners in its post-event outreach.<sup>414</sup> Regarding the “success” of the pre-event outreach, the SED Report is unsure whether the pre-event outreach was sufficient.<sup>415</sup> The SED Report includes questions raised by CCTA and City of Riverside regarding the content of pre-event notices and these two parties suggest that, perhaps, SCE failed to provide them with comprehensive information because SCE failed to treat them (or their members) as public safety partners, but instead treated them as regular customers.<sup>416</sup> The SED Report includes a statement from the City of Riverside which illustrates how the City grappled with the possibility of a power shutoff based on the inadequate information provided in SCE’s outreach, as the

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<sup>413</sup> SED Report at 8. (fn. omitted.)

<sup>414</sup> SED Report at 9.

<sup>415</sup> SED Report at 9.

<sup>416</sup> SED Report at 9.

City faced the task of maintaining its water supply - dependent of electricity - for service to 60 percent of the local area.

“[S]pecific, focused coordination, and pre-planning should have occurred in advance. In particular, SCE’s generic recommendation for ‘an outage plan and an emergency kit’ does not suffice for the water accounts located in San Bernardino. Again, these water accounts represent approximately 60 percent of Riverside Public Utilities’ water supply and power regional water treatment plants that are necessary to meet State and Federal drinking water standards.”<sup>417</sup>

The SED Report further states SCE did not include certain public safety partners, specifically communication service providers and water treatment facilities, on lists documenting 2019 post-de-energization outreach to public safety partners.<sup>418</sup>

Regarding SDG&E, the SED Report provides no analysis.

### **9.1.2. Utilities - Identify Public Safety Partners**

In response to the SED Report, PG&E confirms it currently considers all cable companies to be public safety partners and states that, since February 2020, it has adopted a new process, consisting of bi-monthly meetings with wireless, wireline and cable providers, to improve its communications, collaboration and preparedness with these entities for all hazards, emergencies, and PSPS.<sup>419</sup>

In response to the SED Report, SCE states that advanced notifications were provided to the majority of public safety partners for the 2019 proactive de-energizations and failures occurred when a high volume of circuits fell within

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<sup>417</sup> SED Report at 9, citing to City of Riverside January 10, 2020 Response at 5.

<sup>418</sup> SED Report at 9.

<sup>419</sup> PG&E September 2, 2020 Opening Comments at 3.

the scope of the outage or dynamic weather conditions prevented SCE from sending priority notifications as far in advance as required.<sup>420</sup> SCE explains that in 2019 it provided priority notification to certain public safety partners “manually,” including water, wastewater, telecommunications, and county emergency management offices and notices may have been delayed due to this manual process.<sup>421</sup> Regarding the statement in the SED Report that SCE provided inadequate notice to the City of Riverside, specifically, the Riverside Public Utility, SCE disagrees.<sup>422</sup> In addition, SCE confirms it engaged in outreach to public safety partners post-de-energization but did not include water and communications providers at SCE’s emergency operations center in 2019 and, instead, sought to include these entities in other manners, when appropriate, such as including the California Utility Emergency Association (CUEA).<sup>423</sup>

### **9.1.3. Parties - Identify Public Safety Partners**

Specifics about notice provided to public safety partners in preparation for an imminent PSPS event are addresses at Section 8.1, herein. Regarding the utilities’ overall approach to public safety partners, in general, some parties expressed confusion about whether the utilities considered them to be public safety partners, as documented in the SED Report.<sup>424</sup>

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<sup>420</sup> SCE September 2, 2020 Opening Comments at 4.

<sup>421</sup> SCE September 2, 2020 Opening Comments at 4. SCE states that, since 2019, it made automation enhancements to its notice system to improve the accuracy and timeliness of notice, except in sudden onset situations.

<sup>422</sup> SCE September 2, 2020 Opening Comments at 5.

<sup>423</sup> SCE September 2, 2020 Opening Comments at 7.

<sup>424</sup> See, Section 8.1, herein.

Some parties identify SCE's and PG&E's lack of overall planning in coordination with public safety partners as a major factor in the "pervasive shortcomings" of the 2019 de-energizations and the "chaotic and demoralizing months" of late 2019.<sup>425</sup> Joint Local Governments state the utilities were "ill-prepared" and found, as follows:<sup>426</sup>

"As the Joint Local Governments have observed before, the problem with the 2019 de-energization events is not that they were imperfectly executed or that all of the 2019 guidelines had not yet been implemented – though the utilities certainly failed to meet a number of achievable obligations. The problem was the utilities' failure to consider the impacts of de-energization and to engage in robust planning and coordination with public safety partners and other stakeholders. PG&E and SCE received authority to de-energize their power lines in July 2018, but it appears that their obligations to plan, coordinate, and provide for their customers' safety only became real to them after the first large de-energizations in October 2019 – despite the advice, offers of expertise, and warnings from stakeholders dating back to SDG&E's de-energization proceeding in 2008[referring to D.12-04-024]. PG&E's executives have admitted to that failure. PG&E Corp.'s former CEO Bill Johnson acknowledged it when he said, "I think we thought the big event was turning off the power," instead of focusing on "the impact of that . . . on the people it affected."<sup>427</sup>

#### **9.1.4. Discussion – Identify Public Safety Partners**

It is difficult to comprehend why California's largest electric utilities did not already have well-established systems in place for communications in the event of emergencies for all the entities defined as public safety partners when

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<sup>425</sup> Joint Local Governments October 16, 2020 Opening Comments at 1.

<sup>426</sup> Joint Local Governments October 16, 2020 Opening Comments at 1.

<sup>427</sup> Joint Local Governments October 16, 2020 Opening Comments at 2-3, citing to *PG&E's History with Blackouts Signaled Trouble*, Associated Press (December 19, 2019) (fn. omitted.)

the wildfire season approached in 2019. This is even more difficult to understand since the Commission started, as far back as at least 2012, alerting utilities of the need to coordinate with those types of entities to prepare for the possibility of proactive power shutoffs. With the Commission again announcing this directive in 2018,<sup>428</sup> and in 2019 revisiting this matter, stating the coordination with public safety partners was “essential.”<sup>429</sup>

Nevertheless, according to the SED Report and parties, SCE did not have adequate communication systems in place, even relying on “manual” transmissions in 2019. In addition, based on the comments of Joint Local Governments, we are not confident PG&E had adequate systems in place either, as some public safety partner parties state notice was not provided. Executives at PG&E in 2019 further confirmed that coordinating with public safety partners was not the priority, according to parties. The failure of the utilities, especially PG&E and SCE, to adequately prepare public safety partners likely resulted in unnecessary harm to the public. We are particularly concerned these failures disproportionately negatively impacted the most vulnerable populations in California.

Based on these 2019 deficiencies, we find in 2019 PG&E and SCE failed to reasonably comply with the directives to identify, coordinate with, and provide priority notification to public safety partners, and, in failing to identify, coordinate with, and provide priority notification to public safety partners, PG&E and SCE also failed to comply with the obligation in Pub. Util. Code § 451

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<sup>428</sup> Resolution ESRB-8 (July 12, 2018).

<sup>429</sup> D.19-05-042.

to promote safety. The corrective actions we adopt in response to this finding are discussed below.

Neither the SED Report nor the parties raise significant issues regarding SDG&E's compliance with this guideline and, as a result, we find SDG&E reasonably complied with this guideline in 2019. However, we find that all three utilities must demonstrate improvement in this area and, accordingly, address this matter in the corrective actions, below.

#### **9.1.5. Corrective Action – Identify Public Safety Partners**

PG&E, SCE, and SDG&E shall host targeted, localized meetings with emergency services partners to cross-check Public Safety Partner list at least once per calendar year. These lists compiled by PG&E, SCE, and SDG&E shall include, at a minimum, the following: (1) the names, email addresses, and phone numbers of the contact persons for purposes of proactive power shutoffs for all entities included as public safety partners, including first/emergency responders at the local, state and federal level, water, wastewater and communication service providers, community choice aggregators and publicly-owned utilities/electrical cooperatives, the Commission, the California Governor's Office of Emergency Services and the California Department of Forestry and Fire Protection; and (2) the names, email addresses, and phone numbers of persons responsible for maintaining and updating this list for the utility so public safety partners can easily provide the appropriate utility with updated contact information. All relevant stakeholders should review the list to verify that all public safety partners and the designated contact persons are correctly listed and, if errors or omission exist, contact the utility. These lists may be designated as confidential, to the extent required by law. The utilities must revise these lists immediately upon receipt of updated information from public safety partners.

PG&E, SCE, and SDG&E shall immediately initiate a collaborative effort, to be referred to as the Joint Utility PSPS Working Group, which shall include, at a minimum, a monthly joint utility meeting to share all lessons learned and all best practices pertaining to all aspects of the developing and maintaining updated lists of public safety partners on PSPS secure web portals. PG&E, SCE, and SDG&E shall comply with the reporting requirement herein pertaining to the Joint Utility PSPS Working Group.

PG&E, SCE, and SDG&E shall file and serve an annual report in R.18-12-005 or a successor proceeding, which shall identify, among other things, the status of the lists of public safety partners, including the last date updated, on their PSPS webpages. Further details of this annual report, including the date to be filed, shall be determined in R.18-12-005.

## **9.2. Identify Critical Facilities and Infrastructure**

In 2019, the PSPS Guidelines required that utilities: “...must, in addition to developing their own list of critical facilities and critical infrastructure based on the adopted definition, work in coordination with first/emergency responders and local governments to identify critical facilities.” This work – developing lists of critical facilities and critical infrastructure customers - was a necessary pre-requisite to complying with the directive in the 2019 PSPS Guidelines directing utilities “in advance of the wildfire season, [to] proactively partner with critical facility and critical infrastructure representatives to assess the ability of each critical facility to maintain operations during de-energization events of varying lengths.”<sup>430</sup>

Here, we review whether the utilities reasonably complied in 2019 with the above directives to (1) compile their own lists of critical facilities and infrastructure and (2) work with first/emergency responders and local

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<sup>430</sup> D.19-05-042, Appendix A at 12A.



government to further add to this list of critical facilities and infrastructure. The utilities' requirement under the PSPS Guidelines to create these lists is reviewed within the context of the utility obligation to promote safety set forth in Pub. Util. Code § 451.

#### **9.2.1. SED Report - Identify Critical Facilities and Infrastructure**

The SED Report concludes that it is unclear whether PG&E coordinated with first/emergency responders to identify critical facilities and infrastructure in advance of the 2019 fire season.<sup>431</sup> The SED Report states that City of San Jose identified discrepancies between its list and PG&E's list.<sup>432</sup> The SED Reports further states AT&T found that direct contact with a PG&E "Critical Infrastructure Liaison" was not established until late in 2019, on October 10, 2019, thereby impairing the ability of AT&T to coordinate appropriately in response to the evolving wildfire conditions.

Regarding SCE, the SED Report finds failures regarding SCE's ability to identify critical facilities and infrastructure based on the City of Riverside's statement that its water facilities were not properly notified. The SED Report also suggests SCE may have unknowingly de-energized a hospital in Ventura County.<sup>433</sup>

The SED Report recommends PG&E and SCE further document their coordination efforts with first/emergency responders and local governments to

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<sup>431</sup> SED Report at 10.

<sup>432</sup> SED Report at 10.

<sup>433</sup> SED Report at 11.

identify critical facilities and infrastructure and provide this documentation to the Commission.<sup>434</sup>

Regarding SDG&E, the SED Report expresses concern with the apparent difficulty encountered by SDG&E in identifying points of contact for critical facilities and infrastructure.<sup>435</sup>

### **9.2.2. Utilities - Identify Critical Facilities and Infrastructure**

In response to the SED Report, PG&E explains that its ability to contact every critical facility and infrastructure was constrained by whether the address provided by the local governments matched what could be found in PG&E's system as the customer of record.<sup>436</sup> PG&E also states that some parties, such as City of San Jose, expected PG&E to provide a higher level of information than required by the Commission to critical facilities and infrastructure, such as schools, stating,<sup>437</sup>

"PG&E is not required by the Phase 1 Guidelines to provide the same information that is shared with local government agencies (e.g., portal access, lists of impact customers in jurisdiction) with critical facilities, although we did provide those facilities warning about upcoming PSPS events consistent with the Commission's requirements."<sup>438</sup>

PG&E notes it has improved its "Critical Infrastructure Liaison" training since 2019 to avoid the issues identified by the SED Report going forward but

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<sup>434</sup> SED Report at 10-11.

<sup>435</sup> SED Report at 76.

<sup>436</sup> PG&E November 16, 2020 Reply Comments at 4.

<sup>437</sup> PG&E November 16, 2020 Reply Comments at 5.

<sup>438</sup> PG&E November 16, 2020 Reply Comments at 5.

PG&E does not address its level of preparedness in 2019.<sup>439</sup> PG&E also confirms, on a going forward basis, that it will coordinate with first/emergency responders and local governments to identify critical facilities and infrastructure. PG&E states it will work to resolve any discrepancies on lists.<sup>440</sup> PG&E states it documented its coordination efforts to identify critical facilities and infrastructure in its August 2020 PSPS Phase 2 Progress Report and that it will document such efforts in Progress Reports going forward but it is unclear what progress report PG&E is referring to since it does not have any upcoming progress reports due to be filed with the Commission.<sup>441</sup> Again, PG&E does not address the situation as it existed in 2019.

SCE disagrees with the suggestion in the SED Report that SCE may not have adequately identified and coordinated with critical facilities and infrastructure in 2019. SCE states that in 2019 it conducted “extensive” outreach to critical facilities, including local and tribal governments, county operational areas, and public safety partners to review SCE’s proactive power shutoff protocols.<sup>442</sup> SCE provides no documentation to substantiate these claims.

In response to recommendation in the SED Report that the Commission require SCE and PG&E to going forward document efforts to identify critical facilities and infrastructure, SCE states that it already documents meeting minutes internally and shares these with meeting participants, when appropriate, and also shares the documentation with the Commission under

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<sup>439</sup> PG&E September 2, 2020 Opening Comments at 4.

<sup>440</sup> PG&E November 16, 2020 Reply Comments at 5.

<sup>441</sup> PG&E September 2, 2020 Opening Comments at 3-4.

<sup>442</sup> SCE September 2, 2020 Opening Comments at 44.

confidentiality laws. SCE states that the location of critical facilities and infrastructure, especially cellular facilities, are confidential, suggesting that this information is not readily accessible to the public, and nondisclosure agreements would apply.<sup>443</sup>

SDG&E states that, in advance of the 2019 fire season, it took actions to understand critical facilities' ability to operate during an emergency with direct conversations, and information about back-up generation was provided in both the email and direct mail pieces to newly identified critical facility customers. Additionally, SDG&E states it coordinated with first/emergency responders to identify all their critical facilities.<sup>444</sup>

### **9.2.3. Parties - Identify Critical Facilities and Infrastructure**

Local Joint Governments state PG&E and SCE had difficulty communicating accurate and timely information with critical facilities and infrastructure.<sup>445</sup> In describing the overall situation regarding critical facilities and infrastructure, Joint Local Governments state that "common-sense preparations—learning about community demographics and critical facilities, coordinating with state and local emergency management officials, and working to understand the on-the-ground impacts of shutting off the power to large swaths of customers—did not require Commission mandates for the utilities undertake them."<sup>446</sup>

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<sup>443</sup> SCE September 2, 2020 Opening Comments at 9.

<sup>444</sup> SDG&E September 2, 2020 Opening Comments at 8.

<sup>445</sup> Joint Local Governments October 16, 2020 Opening Comments at 7.

<sup>446</sup> Joint Local Governments October 16, 2020 Opening Comments at 39.

More specifically, Joint Local Governments state PG&E and SCE failed to partner with critical facilities and infrastructure to assess their ability to withstand outages or their need for additional equipment.<sup>447</sup> Regarding SCE, Joint Local Governments state SCE did not verify or provide its list of critical facilities with Santa Barbara County despite the repeated requests.<sup>448</sup> Regarding PG&E, Joint Local Governments state PG&E insisted on nondisclosure agreements from the counties for critical facility information even after the Commission directed that information be provided without nondisclosure agreements.<sup>449</sup> In terms of addressing these failures, Joint Local Governments estimate that PG&E and SCE have 70,000 and 15,345 customers, respectively, that are critical facilities and infrastructure and urge, together with other parties, the Commission to clarify its process for conducting reasonableness reviews of each PSPS event, order bill credits for affected customers, and consider imposing financial penalties.

CforAT states that for the October 2, 2019 PPS event, SCE reported it unknowingly de-energized a hospital in Ventura County and was not aware of this problem until it was notified by local emergency management personnel.<sup>450</sup>

City of San Jose states that in 2019 discrepancies existed between its list and PG&E's list of critical facilities and infrastructure, with PG&E's list not including schools and medical facilities. In 2019, City of Jose – apparently with

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<sup>447</sup> Joint Local Governments October 16, 2020 Opening Comments at 16.

<sup>448</sup> Joint Local Governments October 16, 2020 Opening Comments at 26.

<sup>449</sup> Joint Local Governments October 16, 2020 Opening Comments at 30.

<sup>450</sup> SED Report at 11, citing to CforAT Comments on SCE Post-PSPS Event Reports for September 16, 2019, October 2, 2019, October 21, 2019, October 27, 2019, and November 23, 2019.

this discrepancy unresolved – was unexpectedly left to notify schools, with little or no advance planning assistance by PG&E.<sup>451</sup>

#### **9.2.4. Discussion – Identify Critical Facilities and Infrastructure**

We focus our discussion here on the lists themselves and tasks related to compiling these lists. As an overall matter, it is unclear why these lists did not already exist, as they appear to be needed to adequately prepare for any emergency. Lists of critical facilities and infrastructure are fundamental from an electric utility safety and emergency planning perspective. No excuse justifies the utilities' failure to have prepared these lists and none were presented by the utilities.

PG&E's statement it was unable to compile an accurate list because the information provided by local governments in 2019 included incorrect or unhelpful addresses misses the point. These lists should have been completed long ago, sufficiently in advance to address any incorrect information. Even if the utilities started compiling these lists after July 21, 2018, when the Commission issued Resolution ESRB-8,<sup>452</sup> it remains wholly unclear why such lists could not have been completed and verified with local governments in the intervening year, between the issuance of Resolution ESRB-8 in July 2018 and the beginning of the 2019 fire season.

Moreover, it is unacceptable that, during a proactive power shutoff, a local government and a school – where the safety of children was at risk – had not been contacted by PG&E to work through any misunderstandings and other

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<sup>451</sup> City of San Jose October 16, 2020 Opening Comments at 3-4.

<sup>452</sup> Resolution ESRB-8 (July 12, 2018) at 7, stated "Ensure that critical facilities such as hospitals, emergency centers, fire departments, and water plants are aware of the planned de-energization event."

related issues regarding the type of advance notice provided to schools. PG&E's attempt to shield itself from responsibility by arguing that the 2019 PSPS Guidelines designate schools as a category of customers requiring lesser advance notice is irrelevant. Pub. Util. Code § 451 requires utilities to work through these issues and address safety matters, such as those presented by schools. It is not, as PG&E suggests, the school's problem. Common sense safety planning requires utilities to ensure the safety of the public but especially the most vulnerable Californians, including children. PG&E further states, citing to a prior 2019 post-event report, that "The de-energization decision is not made until all critical facilities identified are confirmed to have resolved back up generation needs"<sup>453</sup> but parties and SED claim these lists were incomplete in 2019, making notification impossible.

Furthermore, SCE failed to comply with this guideline by unknowingly de-energizing a hospital in Ventura County, not becoming aware of this problem until it was notified by local emergency management personnel. In addition, SCE did not verify or provide its list of critical facilities to Santa Barbara County despite the repeated requests. SCE also failed to comprehensively identify critical facilities and infrastructure based on the City of Riverside's statement that its water facilities were not properly notified.

Regarding any barriers that the utilities encountered that prevented the sharing of these lists due to confidentiality concerns raised immediately prior to or during a 2019 PSPS event, the utilities should have resolved these legal concerns far in advance of the 2019 fire season. We addressed the problems

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<sup>453</sup> PG&E November 16, 2020 Reply Comments at 29.

caused by the utilities' requests for nondisclosure agreements during 2019 PSPS events in greater detail at Section 8.3.

Even if PG&E and SCE had largely completed the lists of critical facilities and infrastructure prior to the 2019 fire season, no excuse exists that these lists were not up-to-date, accurate, verified by local governments, and prepared in a format to promote sharing immediately, as needed, with all confidentiality issues already resolved.

We find persuasive the SED Report and parties, neither of which identify any significant failures by SDG&E. As a result, we find SDG&E reasonably complied with this guideline in 2019.

For all the reasons above, we find PG&E and SCE failed to reasonably comply with the directive in the 2019 PSPS Guidelines to compile lists of critical facilities and infrastructure, and in doing so, failed to comply with the obligation to promote safety in Pub. Util. Code § 451.

#### **9.2.5. Corrective Action - Identify Critical Facilities and Infrastructure**

The SED Report recommends PG&E and SCE document their coordination efforts with first/emergency responders and local governments pertaining to identification of critical facilities and infrastructure and provide this documentation to the Commission.<sup>454</sup> Parties recommend penalties and bill credits to affected customers. The Commission adopts the following corrective actions in an effort to ensure these lists are complete, accurate, up to date, verified by local governments, and readily accessible:

PG&E, SCE, and SDG&E shall post on their existing PSPS secure web portals within 120 days of the effective date of decision lists that include, at a

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<sup>454</sup> SED Report at 10-11.



minimum, the following: (1) the names, email addresses, and phone numbers of the contact persons for purposes of proactive power shutoffs for all entities included as critical facilities and infrastructure; and (2) the names, email addresses, and phone numbers of persons responsible for maintaining and updating this list for the utility so critical facilities and infrastructure can easily provide the appropriate utility with updated contact information. All relevant stakeholders should review the list on the utilities' existing PSPS secure web portals to verify that all critical facilities and infrastructure and the designated contact persons are correctly listed and, if errors or omission exist, contact the utility. These lists may be designated as confidential, to the extent required by law. The utilities must revise these lists immediately upon receipt of updated information from critical facilities and infrastructure.

PG&E, SCE, and SDG&E shall immediately initiate a collaborative effort, to be referred to as the Joint Utility PSPS Working Group, which shall include, at a minimum, a monthly joint utility meeting to share all lessons learned and all best practices pertaining to all aspects of the developing and maintaining updated lists of critical facilities and infrastructure customers on PSPS secure web portals. PG&E, SCE, and SDG&E shall comply with the reporting requirement herein pertaining to the Joint Utility PSPS Working Group.

PG&E, SCE, and SDG&E shall file and serve an annual report in R.18-12-005 or a successor proceeding, which shall identify, among other things, the status of the lists of critical facilities and infrastructure customers, including the last date updated, on their PSPS webpages. Further details of this annual report, including the date to be filed, shall be determined in R.18-12-005.

### **9.3. Identify Primary and Secondary 24-hour Points of Contact for Critical Facilities and Infrastructure**

In 2019, the PSPS Guidelines stated that, for critical facilities and infrastructure, utilities: "...must identify 24-hour points of contact and, at a minimum, secondary points of contact. The electric investor-owned utilities must work together with operators of critical facilities and critical infrastructure to identify preferred points of contact (the billing contact may not be the

appropriate de-energization contact) and preferred methods of communication.”<sup>455</sup>

Below we review whether the utilities reasonably complied in 2019 with the directive in the 2019 PSPS Guidelines to establish primary and secondary 24-hour points of contact for critical facilities and infrastructure within the context of the utility obligation to promote safety set forth in Pub. Util. Code § 451.

### **9.3.1. SED Report – Identify Primary and Secondary 24-hour Points of Contact for Critical Facilities and Infrastructure**

The SED Report did not address the extent to which PG&E complied with this PSPS Guideline.

Regarding SCE, the SED Report states, “Although SCE has made a good effort in identifying all their critical infrastructure customers, they need to verify that this method of identifying all the customers in this category is 100% accurate.”<sup>456</sup> Based on several reports of inadequate or absence of communication with critical facilities and infrastructure prior to a PSPS event, the SED Report recommends SCE engage in immediate coordination efforts with water and wastewater facilities ahead of the next fire season.<sup>457</sup>

Regarding SDG&E, the SED Report finds that, at times, “SDG&E employees reached the critical facility/infrastructure customers, but they were unable to obtain the required information.”<sup>458</sup> The SED Report concludes SDG&E must obtain the required information, even if repeated efforts are required. The SED Report further concludes SDG&E did not document in any

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<sup>455</sup> D.19-05-042, Appendix A at A11.

<sup>456</sup> SED Report at 11-12.

<sup>457</sup> SED Report at 81.

<sup>458</sup> SED Report at 11-12.

progress report whether it obtained primary or secondary points of contacts and the SED Report also states it is unclear whether SDG&E identified preferred methods of communication for critical facilities and infrastructure.<sup>459</sup> The SED Report concludes further documentation in this area is warranted.

**9.3.2. Utilities - Identify Primary and Secondary 24-hour Points of Contact Critical for Facilities and Infrastructure**

PG&E does not address this issue.

SCE states that, prior to the 2019 de-energizations, SCE conducted outreach to water and wastewater facilities, including holding workshops.<sup>460</sup> SCE seems to contest the conclusions in the SED Report but provides no documentation.

Both SCE and SDG&E explain they have sought to address the problems experienced in 2019 with improvements to engagement processes for critical facilities and infrastructure.<sup>461</sup>

**9.3.3. Parties - Identify Primary and Secondary 24-hour Points of Contact for Critical Facilities and Infrastructure**

Regarding PG&E, no party specifically commented on this issue. However, the following general comment by Joint Local Governments is informative: "Joint Local Governments believe the SED report accurately notes some of the difficulties PG&E and SCE had with their critical facilities, though the report does not capture the full extent of those issues."<sup>462</sup>

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<sup>459</sup> SED Report at 12.

<sup>460</sup> SCE September 2, 2020 Opening Comments at 10.

<sup>461</sup> SDG&E September 2, 2020 Opening Comments at 18.

<sup>462</sup> Joint Local Governments October 16, 2020 Opening Comments at 8.

Except as noted in the SED Report, above, no further comments were provided by parties on this topic.

**9.3.4. Discussion - Identify Primary and Secondary 24-hour Points of Contact for Critical Facilities and Infrastructure**

The full extent to which utilities complied with this directive is unclear from the documentation on the 2019 proactive power shutoffs. This topic did not receive sufficient discussion. Deficiencies in the identification efforts by PG&E, SCE, and SDG&E are raised by parties and the SED Report. In addition, based on the record, as we discussed above in Section 9.2., PG&E's and SCE's lists of critical facilities and infrastructure were, in some important respects, incomplete in 2019. In those instances, we conclude PG&E and SCE would have been unable to confirm primary and secondary 24-hour points of contact. Therefore, we align our conclusion with our prior evaluation in Section 9.2., herein, and find that, to the extent the PG&E and SCE failed to compile comprehensive lists of critical facilities and infrastructure in 2019, PG&E and SCE failed to reasonably comply with the directive to establish primary and secondary 24-hour points of contacts at critical facilities and infrastructure. We further find that SDG&E, while reasonably complying with the directive to compile lists of critical facilities and infrastructure in 2019, may have failed in some important respects, as noted above by the SED Report, to establish primary and secondary 24-hour points of contacts at critical facilities and infrastructure. As we conclude at Section 9.2., above, maintaining such lists is common sense safety planning. No excuse exists that these lists, with primary and secondary 24-hour points of contacts, were not complete, up-to-date, accurate, verified by local governments, and prepared in a format to promote sharing immediately, as needed.

For these reasons, we find PG&E, SCE, and SDG&E failed in 2019 to reasonably comply with the directive to establish primary and secondary 24-hour points of contacts at critical facilities and infrastructure, and in doing so, failed to comply with the obligation to promote safety in Pub. Util. Code § 451.

The corrective actions we adopt in response to this finding are discussed below.

**9.3.5. Corrective Action - Identify Primary and Secondary 24-hour Points of Contact for Critical Facilities and Infrastructure**

PG&E, SCE, and SDG&E shall post on their existing PSPS secure web portals within 120 days of the effective date of decision lists that include, at a minimum, the following: (1) the names, email addresses, and phone numbers of the 24-hour primary and secondary points of contact for purposes of proactive power shutoffs for all entities included as critical facilities and infrastructure; and (2) the names, email addresses, and phone numbers of persons responsible for maintaining and updating this list for the utility so critical facilities and infrastructure can easily provide the appropriate utility with updated contact information. All relevant stakeholders should review the list on the utilities' existing PSPS secure web portals to verify that 24-hour primary and secondary points of contact for all critical facilities and infrastructure are correctly listed and, if errors or omission exist, to contact the utility. These lists may be designated as confidential, to the extent required by law. The utilities must revise these lists immediately upon receipt of updated information from critical facilities and infrastructure customers.

PG&E, SCE, and SDG&E shall immediately initiate a collaborative effort, to be referred to as the Joint Utility PSPS Working Group, which shall include, at a minimum, a monthly joint utility meeting to share all lessons learned and all

best practices pertaining to all aspects of the developing and maintaining updated lists of critical facilities and infrastructure customers (24-hour primary/secondary point of contact). PG&E, SCE, and SDG&E shall comply with the reporting requirement herein pertaining to the Joint Utility PSPS Working Group.

PG&E, SCE, and SDG&E shall file and serve an annual report in R.18-12-005 or a successor proceeding, which shall identify, among other things, the status of their lists, including the last date updated, of 24-hour primary and secondary points of contact for critical facilities and infrastructure. Further details of this annual report, including the date to be filed, shall be determined in R.18-12-005.

#### **9.4. Medical Baseline Customers: Update Contact Information and Provide Opportunity to Select Alternative Means of Contact**

The 2019 PSPS Guidelines stated utilities: "...must update contact information for Medical Baseline customers<sup>463</sup> and provide an opportunity for such customers to select alternative means of contact beyond their preferred means of contact from the utility for billing and other information."<sup>464</sup>

This requirement did not apply to all the Access and Functional Needs population; it applied to Medical Baseline customers. The problems identified by the SED Report and parties pertaining to utility notice to Medical Baseline customers and the sharing of information with local governments, without non-disclosure agreements, is addressed at Section 8.3, herein.

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<sup>463</sup> D.19-05-042, Appendix C at C5, states Medical Baseline customers are: "Customers who are eligible for Medical Baseline tariffs receive an additional allotment of electricity and/or gas per month. The tariffs are designed to assist residential customers who have special energy needs due to qualifying medical conditions. There are differences among Medical Baseline tariffs across the utilities."

<sup>464</sup> D.19-05-042, Appendix A at A13-14.

Below we review whether the utilities reasonably complied with the directive in advance of the 2019 fire season to (1) update contact information for Medical Baseline customers and (2) provide Medical Baseline customers with an opportunity to select another means, different from the method used for billing purposes, for contact regarding a PSPS event within the context of the utility obligation to promote safety set forth in Pub. Util. Code § 451.

**9.4.1. SED Report - Medical Baseline Customers: Update Contact Information and Provide Opportunity to Select Alternative Means of Contact**

The SED Report states PG&E does not confirm it “provided Medical Baseline customers an opportunity to select alternative means of contact [in advance of the 2019 fire season for proactive power shutoffs] beyond the [customer’s] preferred means [of contact] for utility billing.”<sup>465</sup> The SED Report states that, in response to data requests, PG&E only stated that “additional contact” information is sought in the initial application for Medical Baseline status but, again, PG&E does not explain how or if it sought contact alternatives for de-energization in advance of the 2019 fire season.<sup>466</sup> The SED Report concludes PG&E should have documented compliance with this requirement in 2019, including alternatives provided to customers, how PG&E communicated these alternatives to customers, and how PG&E instructed Medical Baseline customers to update their preferred means of contact.<sup>467</sup>

The SED Report does not address the compliance of either SCE or SDG&E with this directive.

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<sup>465</sup> SED Report at 13, citing to PG&E September 2019 Progress Report.

<sup>466</sup> SED Report at 13, citing to PG&E September 2019 Progress Report.

<sup>467</sup> SED Report at 13, citing to PG&E September 2019 Progress Report.

#### **9.4.2. Utilities - Medical Baseline Customers: Update Contact Information and Provide Opportunity to Select Alternative Means of Contact**

PG&E briefly addresses its compliance in 2019 with this directive, which applies only to Medical Baseline customers, stating it sent automated voice messages to Medical Baseline customers with a prompt to immediately connect with PG&E customer service representatives to update contact information.<sup>468</sup> Aside from seeking updated information, PG&E does not address whether it sought an alternative means of contact from Medical Baseline customers, consistent with the directive. Instead, PG&E addresses outreach to Access and Functional Need customers, which is a broader group of customers than Medical Baseline customers.<sup>469</sup> PG&E states that, in 2019, it conducted significant outreach to all customers, including Access and Functional Needs customers and shared preparedness information and available support to customers during the 2019 PSPS events.<sup>470</sup> PG&E also states it completed approximately 1,500 live calls to “life support customers” to update contact information. PG&E acknowledged “room for improvement in 2019” in supporting the Access and Functional Needs community but submits it was in full compliance with this directive in 2019.<sup>471</sup> PG&E also explains its progress in 2020, stating that PG&E improved its 2020 outreach approaches for the Access and Functional Needs community and agrees to provide an update, if relevant, on this outreach in a future progress report, including its approach to providing Medical Baseline customers with an

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<sup>468</sup> PG&E November 16, 2020 Reply Comments at 6.

<sup>469</sup> PG&E November 16, 2020 Reply Comments at 6.

<sup>470</sup> PG&E November 16, 2020 Reply Comments at 6.

<sup>471</sup> PG&E November 16, 2020 Reply Comments at 6.



opportunity to provide multiple contacts and contact information for event notifications.<sup>472</sup>

SCE states it complied with this guideline prior to the 2019 PSPS events by providing its Medical Baseline customers with multiple opportunities and channels to update their contact information and preferred means of contact.<sup>473</sup> SCE further states, since 2019, it has maintained alternate means of contact for its Medical Baseline customers and gives these customers additional opportunities to identify alternate contacts (other than the billing contact) but SCE does not state that it sought alternative contacts for Medical Baseline customers for purposes of PSPS events.<sup>474</sup>

SDG&E states that, in preparation for the 2019 wildfire season, it engaged its Medical Baseline customers to re-certify for the program and updated their preferred contact information and requested alternative means of communication for PSPS events.<sup>475</sup>

#### **9.4.3. Parties - Medical Baseline Customers: Update Contact Information and Provide Opportunity to Select Alternative Means of Contact**

Cal Advocates, providing an excellent analysis, states PG&E and SCE provided inadequate or no advance notification to 14,000 Medical Baseline

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<sup>472</sup> PG&E September 2, 2020 Opening Comments at 5, citing to August 2020 PSPS Progress Report at 27-30) and 2020 PSPS Access and Functional Needs Plan at 15-18.

<sup>473</sup> SCE September 2, 2020 Opening Comments at 11.

<sup>474</sup> SCE September 2, 2020 Opening Comments at 11-12.

<sup>475</sup> SDG&E September 2, 2020 Opening Comments at 6-7.

customers in 2019.<sup>476</sup> This number is startling. The issue of advanced prior notice is also addressed in Section 8.1. This Section focuses on updating contact information and providing an opportunity for Medical Baseline customers to provide utilities with an alternative contact for PSPS events.

Joint Local Governments state the utilities failed to substantiate their claims that they complied with all the requirements for identification and contact with the Medical Baseline customers.<sup>477</sup> SCE did not designate which Medical Baseline customers used electricity for life support, which presented safety issues.<sup>478</sup> Joint Local Governments state the record shows PG&E had a number of shortcomings with its outreach to Access and Functional Needs customers in 2019 and any subsequent reporting and improvements are irrelevant in evaluating compliance in 2019.<sup>479</sup>

Overall, CforAT states the SED Report contains very little in the way of recommendations for how to respond to challenges faced by the utilities in communicating with Medical Baseline customers.<sup>480</sup> CforAT states, while SCE complied in 2019 with the requirement to update contact information and seek alternative contacts, SCE appears to have limited its outreach to customers using electricity for life support and, for this reason, SCE ultimately failed to provide

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<sup>476</sup> Cal Advocates October 16, 2020 Opening Comments at i and ii. (Cal Advocates explains that its figures include repeat de-energizations. For example, if a customer was de-energized in two separate events, the customer counts twice towards these totals.)

<sup>477</sup> Joint Local Governments October 16, 2020 Opening Comments at 8.

<sup>478</sup> Joint Local Governments October 16, 2020 Opening Comments at 36-37.

<sup>479</sup> Joint Local Governments October 16, 2020 Opening Comments at 8.

<sup>480</sup> CforAT October 16, 2020 Opening Comments at 5.

“effective notice” to Medical Baseline customers.<sup>481</sup> Regarding PG&E, CforAT raises a similar issue, pointing out that it questions whether PG&E’s decision to rely on door hangers to provide notice is “effective notice” for Medical Baseline customers.<sup>482</sup> City of San Jose raises the same issue stating, it ended up deploying employees to call hundreds of residents and/or to knock on doors during the October 9 and October 26, 2019 PSPS events.<sup>483</sup>

#### **9.4.4. Discussion - Medical Baseline Customers: Update Contact Information and Provide Opportunity to Select Alternative Means of Contact**

We find that, based on the information provided, SCE and SDG&E in 2019 reasonably complied with the directive to update contact information for Medical Baseline customers and provide these customers with an opportunity to select an alternative means of contact for PSPS events. Both SCE and SDG&E specifically addressed outreach to Medical Baseline customers and both specifically indicated they sought information from Medical Baseline customers regarding any alternative means of contact for PSPS events.

Based on the numerous deficiencies noted in both the SED Report and party comments, we find PG&E failed to reasonably comply with this PSPS Guideline to update contact information for Medical Baseline customers and provide these customers with an opportunity to select an alternative means of contact for PSPS events and, as a result, failed to comply with its obligation to promote safety under Pub. Util. Code § 451.

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<sup>481</sup> CforAT October 16, 2020 Opening Comments at 18.

<sup>482</sup> CforAT October 16, 2020 Opening Comments at 22.

<sup>483</sup> City of San Jose November 16, 2020 Rely Comments at 15.

In reviewing the record of this proceeding on this topic, however, we find that all three utilities should improve the methods used in 2019 for outreach to Medical Baseline customers. We find that improvements by PG&E, SCE, and SDG&E must be made in documenting how the utilities sought to update contact lists for Medical Baseline customers and the actions taken by utilities to obtain alternative contacts for proactive power shutoffs. In addition, we find that improvements by PG&E, SCE, and SDG&E must be made in proactively seeking to identify and obtain contact information for a particularly vulnerable subset of customers, those customers that rely on electricity for life to maintain life functions.

Parties raise additional and important issues pertaining to advance notice to Medical Baseline customers, including whether the information provided in the notices was effective and was provided sufficiently in advance of the PSPS event, and the level of confusion caused by the utilities requiring non-disclosure agreements from local jurisdictions before sharing information on Medical Baseline customers, which are addressed at Section 8.3.

**9.4.5. Corrective Action - Medical Baseline Customers: Update Contact Information and Provide Opportunity to Select Alternative Means of Contact**

PG&E, SCE, and SDG&E shall, for a minimum of 5 years, retain records of their efforts, in advance of each wildfire season, to: (1) contact Medical Baseline customers, at least annually, to update contact information and (2) seek an alternative means of contact from Medical Baseline customers for PSPS events. This documentation must be in a format readily accessible to Commission audit.

PG&E, SCE, and SDG&E shall, for a minimum of 5 years, retain records of their efforts, in advance of each wildfire season, to: (1) contact all customers that use electricity to maintain necessary life functions, at least annually, to update contact information and (2) seek an alternative means of contact from these customers for PSPS events. This documentation must be in a format readily accessible to Commission audit.

PG&E, SCE, and SDG&E shall immediately initiate a collaborative effort, to be referred to as the Joint Utility PSPS Working Group, which shall include, at a minimum, a monthly joint utility meeting to share all lessons learned and all best practices pertaining to developing and updating contact information and alternative means of contact regarding PSPS events for all Medical Baseline customers and customers that use electricity to maintain necessary life functions. PG&E, SCE, and SDG&E shall comply with the reporting requirement herein pertaining to the Joint Utility PSPS Working Group.

PG&E, SCE, and SDG&E shall file and serve an annual report in R.18-12-005 or a successor proceeding, which shall confirm, among other things, the utility (1) contacted its Medical Baseline customers, at least annually, to update contact information and (2) sought to obtain from Medical Baseline customers, at least annually, an alternative means of contact for PSPS events. PG&E, SCE, and SDG&E shall also confirm in their annual reports, among other things, the utility (1) contacted all customers that use electricity to maintain necessary life functions, at least annually, to update contact information and (2) sought to obtain from these customers, at least annually, an alternative means of contact for PSPS events. Further details of the annual report, including the date to be filed, shall be determined in R.18-12-005.

#### **9.5. Identify and Communicate with All in De-Energized Area, Including Visitors**

In 2019, the PSPS Guidelines stated that utilities: “must work with local jurisdictions to leverage all means of identifying and communicating with all people within a de-energized area, including people who may be visiting the area or not directly listed on utility accounts.”<sup>484</sup> Below we review whether the utilities reasonably complied this 2019 PSPS Guideline within the context to promote safety set forth in Pub. Util. Code § 451.

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<sup>484</sup> D.19-05-042, Appendix A at A14.

### **9.5.1. SED Report – Identify and Communicate with All in De-Energized Area, Including Visitors**

Regarding PG&E and SDG&E, the SED Report states that, in 2019, PG&E and SDG&E did not document that they worked with local jurisdictions to leverage all means to identify and communicate with all people in a de-energized area, including visitors.<sup>485</sup> The SED Report recommends, going forward, that PG&E and SDG&E elaborate on the recommendations made by local jurisdiction and actions PG&E and SDG&E took to incorporate these recommendations into de-energization protocols.<sup>486</sup> The SED Report also states, specifically referring to the extensive outreach to local jurisdictions described by PG&E, that PG&E should provide the Commission with more information on the lessons learned from the many meetings with local jurisdictions it describes.<sup>487</sup>

Regarding SDG&E, the SED Report finds it is unclear, from the documentation provided, whether SDG&E is providing visitors to SDG&E's service territory with sufficient information about the SDG&E portal for registering for its Emergency Notification System and recommends SDG&E consider additional outreach to raise awareness to visitors about this notification system.<sup>488</sup> The SED Report also notes extensive outreach efforts described by SDG&E, in response to an SED data request, pertaining to SDG&E's work with the County of San Diego Office of Emergency Services to broadcast all types of de-energization notices more broadly.<sup>489</sup>

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<sup>485</sup> SED Report at 13, citing to PG&E September 2019 Progress Report.

<sup>486</sup> SED Report at 14.

<sup>487</sup> SED Report at 14.

<sup>488</sup> SED Report at 14.

<sup>489</sup> SED Report at 14.

The SED Report did not identify any issues with SCE.

**9.5.2. Utilities - Identify and Communicate with All in De-Energized Area, Including Visitors**

PG&E disagrees with the findings of the SED Report that PG&E provided insufficient documentation. It states it documented its compliance with this guideline in a response to a SED data request and, that going forward, PG&E will document this information in a future progress report.<sup>490</sup> As set forth in the SED Report, PG&E stated, in its response to a SED data request, that it “...conducted or participated in more than 1,000 meetings and events with various local and tribal government agencies, as well as stakeholders across its service area, including at least one meeting with every county government.”<sup>491</sup>

SCE states it complied with this guideline during the late 2019 proactive de-energization events.<sup>492</sup> SCE states it worked with local governments to share notifications using different languages.<sup>493</sup> To reach those who visiting an area, SCE utilized its social media channels, including Twitter.<sup>494</sup> SCE also implemented zip code-level notification to reach those not directly listed on utility accounts and added SMS/text and voice notifications in late November 2019 and *Nextdoor* app and email notifications in late December 2019.<sup>495</sup> SCE states it is currently in the final stages of enabling its Common Alerting Protocol

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<sup>490</sup> PG&E September 2, 2020 Opening Comments at 5.

<sup>491</sup> SED Report at 13, citing to PG&E Response to SED-002, Question 3, dated April 7, 2020.

<sup>492</sup> SCE September 2, 2020 Opening Comments at 14.

<sup>493</sup> SCE September 2, 2020 Opening Comments at 14.

<sup>494</sup> SCE September 2, 2020 Opening Comments at 14-15.

<sup>495</sup> SCE September 2, 2020 Opening Comments at 14.

or CAP alerts to expand the reach of notices to visitor to the affected areas or those who may not be directly listed on utility accounts.<sup>496</sup>

In response to the SED Report, SDG&E states that, in 2019, it leveraged multiple communication channels and worked extensively with the County of San Diego Office of Emergency Services to broadcast notice more broadly.<sup>497</sup> SDG&E further states, going forward, customers and visitors will use a new mobile app or call the SDG&E's customer care center to enroll in the Emergency Notification System.

### **9.5.3. Parties - Identify and Communicate with All in De-Energized Area, Including Visitors**

Regarding PG&E, Joint Local Governments state, while PG&E addresses recommendations in the SED Report to include in future progress reports, PG&E does not address whether it engaged in the required partnership to work with local governments in 2019.<sup>498</sup> Joint Local Governments conclude that, PG&E presents no relevant documentation because, in fact, PG&E did not engage in any partnerships, stating PG&E "failed to partner with local jurisdictions to develop a comprehensive, coordinated, and cohesive notification framework to communicate with all in the affected areas."<sup>499</sup> Joint Local Governments recommend penalties up to \$4.5 million.<sup>500</sup>

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<sup>496</sup> SCE September 2, 2020 Opening Comments at 14-15.

<sup>497</sup> SDG&E September 2, 2020 Opening Comments at 19-20. SDG&E states it proactively reached out to broadcast media, used digital and social media (Twitter, Facebook, Instagram), and updated SDG&E's NewsCenter and Company website (sdge.com and sdge.com/ready).

<sup>498</sup> Joint Local Governments November 16, 2020 Reply Comments at 9.

<sup>499</sup> Joint Local Governments October 16, 2020 Opening Comments at 26; Joint Local Governments November 16, 2020 Reply Comments at 9.

<sup>500</sup> Joint Local Governments October 16, 2020 Opening Comments at 54.



Acton states SCE failed to act in compliance with this guideline and states, SCE compliance was unlikely, because SCE's power shutoffs disabled all communication facilities in rural areas of North Los Angeles County and, as a result, no communication occurred within de-energized areas.<sup>501</sup> Acton further emphasizes that SCE's zip code and *Nextdoor* notices did not actually occur until after the late 2019 PSPS events and, as a result, are not evidence of compliance but acknowledges SCE has addressed some of its notification problems that occurred in 2019.<sup>502</sup>

CforAT states that SCE must improve its coordination with local jurisdictions and that "SCE's assertion that nothing more is needed shows dangerous disregard for the vital work being done by local governments to protect people from the risks of harm that are created by de-energization."<sup>503</sup> CforAT supports the penalties recommended by Joint Local Governments.<sup>504</sup>

Joint Local Governments also state SCE's did not implement its zip code notifications and use of the *Nextdoor* app to identify and communicate with all in the affected until very late in November 2019 and in December 2019, after most of the 2019 de-energization events had occurred.<sup>505</sup> Regarding SCE, Joint Local Governments conclude SCE's efforts to work with local jurisdictions to identify

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<sup>501</sup> Acton October 16, 2020 Opening Comments at 8.

<sup>502</sup> Acton October 16, 2020 Opening Comments at 8.

<sup>503</sup> CforAT October 16, 2020 Opening Comments at 18.

<sup>504</sup> CforAT November 16, 2020 Reply Comments at 6.

<sup>505</sup> Joint Local Governments November 16, 2020 Reply Comments at 9-10.

and communicate with all, including visitors, was insufficient and recommends penalties up to \$1.5 million.<sup>506</sup>

#### **9.5.4. Discussion - Identify and Communicate with All in De-Energized Area, Including Visitors**

This guideline incorporates a number of critical directives. The foundation of the guideline rests on one of the specific directives therein: work with local jurisdictions. While all three utilities claim they engaged in sufficient efforts to work with local jurisdictions to establish communication channels in advance of the 2019 power shutoffs, the experience of the Joint Local Governments, Acton, and CforAT suggest PG&E and SCE did not. The lack of documentation from SCE and PG&E together with the statements by parties that, even though PG&E and SCE may have held numerous meetings with local jurisdictions, ultimately communications were not “effective” and, therefore, PG&E’s and SCE’s statements that they adequately complied with this guideline are unconvincing. The size of the penalties suggested by Local Governments, \$4.5 million for PG&E and \$1.5 million for SCE, illustrates the high level of dissatisfaction these government entities experienced in 2019.

Based on the lack of documentation and the problems identified by parties, we find PG&E and SCE failed to reasonably comply with this guideline and, as a result, failed to comply with the utility obligation to promote safety in Pub. Util. Code § 451.

The parties and the SED Report do not point out any concerning failings by SDG&E. Therefore, we find SDG&E reasonably complied with this guideline in 2019.

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<sup>506</sup> Joint Local Governments October 16, 2020 Opening Comments at 27 and 54.

In addition, we agree with the SED Report that further documentation would be useful to substantiate claims by all the utilities that they adequately complied with this guideline. We also agree with CforAT, the utilities must be more proactive in this area to ensure the utilities “leverage all means” to communicate with *all* in the affected de-energized area. The corrective actions we adopt today are set forth below.

**9.5.5. Corrective Action - Identify and Communicate with All in De-Energized Area, Including Visitors**

PG&E, SCE, and SDG&E shall, for a minimum of 5 years, retain records to substantiate all efforts to work, in advance of each wildfire season and during each wildfire season, with local jurisdictions, in a proactive manner, to identify and communicate with all people in a de-energized area, including visitors. These records must be in a format readily accessible to Commission audit.

PG&E, SCE, and SDG&E shall immediately initiate a collaborative effort, to be referred to as the Joint Utility PSPS Working Group, which shall include, at a minimum, a monthly joint utility meeting to share all lessons learned and all best practices pertaining to working, in advance of each wildfire season and during each wildfire season, with local jurisdictions, in a proactive manner, to identify and communicate with all people in a de-energized area, including visitors. PG&E, SCE, and SDG&E shall comply with the reporting requirement herein pertaining to the Joint Utility PSPS Working Group.

PG&E, SCE, and SDG&E shall file and serve an annual report in R.18-12-005 or successor proceeding, which shall confirm, among other things, they worked, in advance of each wildfire season and during each wildfire season, with local jurisdictions, in a proactive manner, to identify and communicate with all people in a de-energized area, including visitors. Further details of this annual report, including the date to be filed, shall be determined in R.18-12-005.

**9.6. Develop Notification and Communication Protocols and Systems to Reach All Customers in Understandable Manner**

The 2019 PSPS Guidelines required utilities to: “develop notification and communication protocols and systems that reach customers no matter where the

customer is located and deliver messaging in an understandable manner.”<sup>507</sup> The Commission explained in 2019, the goal of these notification and communication protocols and systems was to ensure that “[c]ustomers ... understand the purpose of proactive de-energization, the electric investor-owned utilities’ process for initiating it, how to manage safely through a de-energization event, and the impacts if deployed.”<sup>508</sup> In 2019, achieving this goal was and continues to be critical to ensuring the safety of customers. Below we determine whether the utilities reasonably complied with this guideline within the context of the utility obligation to promote safety set forth in Pub. Util. Code § 451.

**9.6.1. SED Report – Develop Notification and Communication Protocols and Systems to Reach All Customers in Understandable Manner**

The SED Report did not address this guideline regarding PG&E and SCE. Regarding SDG&E, the SED Report states SDG&E should expand its efforts to identify hard to reach customers to include all local government agencies and tribal community representatives, specifically those city officials or county officials not associated with an emergency operation office.<sup>509</sup>

**9.6.2. Utilities – Develop Notification and Communication Protocols and Systems to Reach All Customers in Understandable Manner**

PG&E states that it lacked sufficient time between when the Commission adopted D.19-05-042 in May 2019 and the onset of the 2019 wildfire season to

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<sup>507</sup> D.19-05-042, Appendix A at A1.

<sup>508</sup> D.19-05-042, Appendix A at A1.

<sup>509</sup> SED Report at 15.

achieve compliance with this guideline.<sup>510</sup> PG&E also states it held hundreds of meetings in an effort to develop notification strategies.<sup>511</sup>

SCE states it complied with this guideline and that it "notified all impacted customers, including Public Safety Partners, through their preferred channels and contact information."<sup>512</sup>

In response to the SED Report, SDG&E states that, during each 2019 proactive de-energization, it communicated with all tribal leadership in affected areas, with the goal of reaching all tribal customers.<sup>513</sup> SDG&E also states it worked with the County of San Diego Office of Emergency Services for assistance in identifying all other hard to reach customers (excluding Orange County).<sup>514</sup> In addition, SDG&E states it hosted outreach fairs and promoted social media and website campaigns to drive customers to update their contact information. Lastly, SDG&E states it also hired a new, full-time AFN manager to support this effort.<sup>515</sup>

### **9.6.3. Parties - Develop Notification and Communication Protocols and Systems to Reach All Customers in Understandable Manner**

Joint Local Governments state PG&E and SCE failed to provide notice in compliance with State Emergency Management Systems or SEMS and failed to plan for communicating with customers in the absence of electricity.<sup>516</sup> Joint

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<sup>510</sup> PG&E November 16, 2020 Opening Comments at 7 and 33.

<sup>511</sup> PG&E November 16, 2020 Opening Comments at 7 and 33.

<sup>512</sup> SCE September 2, 2020 Opening Comments at 15-16.

<sup>513</sup> SDG&E September 2, 2020 Opening Comments at 21.

<sup>514</sup> SDG&E September 2, 2020 Opening Comments at 21.

<sup>515</sup> SDG&E September 2, 2020 Opening Comments at 21.

<sup>516</sup> Joint Local Governments October 16, 2020 Opening Comments at 25 and 27.

Local Governments point to many egregious failures regarding the notice provided by PG&E and SCE that we address elsewhere.<sup>517</sup> Again, Joint Local Governments recommend monetary penalties for PG&E and SCE.

Regarding SCE, Acton states SCE failed to communicate with customers and never explained to customers in the Acton area that de-energizations would eliminate their ability to communicate via cell phones, the internet, and land lines in certain rural areas of North Los Angeles County, which were unable to send or receive communications for days during the late 2019 power shutoffs.<sup>518</sup> Acton further states, it “disputes all of SCE's claims regarding its compliance with this Guideline” and that SCE failed to communicate to rural customers, as required by this guideline on “how to manage safely through a de-energization event.”<sup>519</sup> In addressing this matter, Acton states:

SCE's failure to comply with this guideline goes even further. For instance, and months before the late-2019 PSPS events, SCE attended community meetings in Acton to warn residents that they must “get prepared” for PSPS, however, when residents asked SCE what specific actions they should take to “get prepared”, SCE had no response. Residents who rely on electricity for heat and cooking and to operate domestic wells to supply water to their homes explicitly asked SCE what they should do to ensure they had heat and could cook and would have an adequate water supply during a lengthy PSPS event, and the only suggestion offered by SCE was that the residents should install a generator.<sup>520</sup>

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<sup>517</sup> Joint Local Governments October 16, 2020 Opening Comments at 25 and 27.

<sup>518</sup> Acton October 16, 2020 Opening Comments at 8.

<sup>519</sup> Acton October 16, 2020 Opening Comments at 9.

<sup>520</sup> Action October 16, 2020 Opening Comments at 9.

Acton requests that, prior to any future proactive de-energizations, SCE confirm that telecommunication facilities in North Los Angeles County have sufficient backup power capabilities to maintain operation during any proactive de-energization by SCE regardless of duration or frequency.<sup>521</sup>

No party addressed this guideline regarding SDG&E.

**9.6.4. Discussion - Develop Notification and Communication Protocols and Systems to Reach All Customers in Understandable Manner**

As we state above, compliance with this guideline – developing notification and communication protocols and systems – is fundamental to ensuring the safety of utility customers during a power shutoff. The SED Report provides no analysis of PG&E’s or SCE’s conduct under this guideline. The SED Report considers SDG&E’s conduct but only in a cursory manner. In the future, SED should analyze, in depth, all three utilities’ compliance with this guideline. The parties address whether PG&E and SCE complied with this guideline in a more comprehensive manner.

Based on the information provided in the record, we find PG&E’s and SCE’s assertions unconvincing that their non-compliance in developing notification and communication protocols and systems should be disregarded due to the lack of time to adequately prepare for the 2019 fire season or based on their assertions (with no documentation to substantiate their claims) of compliance, despite contradictory claims by parties.

The Commission began establishing a framework for utility proactive power shutoffs in 2009.<sup>522</sup> A decade is enough time to prepare a notification

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<sup>521</sup> Action October 16, 2020 Opening Comments at 30.

<sup>522</sup> D.09-09-030.

system. Moreover, this guideline setting forth the Commission's expectations for protocols for utility notice and communication during a power shutoff is not unusual or even somehow specific to just proactive de-energizations but, instead, such protocols should be part of any utility emergency response effort. Further, we find SCE's non-compliance with this guideline particularly troublesome in the Acton area where, based on Acton's description of the events in 2019, SCE failed to communicate to customers the basic information needed to in advance of the 2019 fire season, "how to manage safely through a de-energization event, and the impacts if deployed."<sup>523</sup>

In the future, all three utilities must further substantiate their claims of compliance with the required notification and communication protocols and systems for proactive power shutoffs when no electricity is available, rather than simply stating the number of meetings held on this issue. The utilities must explain, for example, how they evaluated input from stakeholders at such meetings and what plans or goals the utilities developed as a result of the input provided by stakeholders during such meetings.

Therefore, based on the information provided by parties, we find PG&E and SCE had no plans in place in late 2019 for communicating with customers during a proactive power shutoff in the absence of electricity and, in addition, SCE and PG&E failed to adequately substantiate their claims of compliance. As a result, we find PG&E and SCE failed to reasonably comply with this guideline, and, as a result, failed to comply with their obligation to promote safety set forth in Pub. Util. Code § 451.

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<sup>523</sup> Acton October 16, 2020 Opening Comments at 8, citing to D.19-05-042, Appendix A1.



Regarding SDG&E, we do not identify any significant failures by SDG&E in developing notification and communication protocols for customers during a proactive power shutoff in the absence of electricity, as a result, we find SDG&E reasonably complied with this guideline in 2019. Nevertheless, SDG&E is the subject of the correction actions below to ensure continued improvements in this area.

**9.6.5. Corrective Action - Develop Notification and Communication Protocols and Systems to Reach All Customers in Understandable Manner**

PG&E, SCE, and SDG&E shall, for a minimum of five years, retain records to substantiate all efforts to develop notification and communication protocols and systems to reach all customers and communication in an understandable manner. This information must be in a format readily accessible to Commission audit.

PG&E, SCE, and SDG&E shall immediately initiate a collaborative effort, to be referred to as the Joint Utility PSPS Working Group, which shall include, at a minimum, a monthly joint utility meeting to share all lessons learned and all best practices pertaining to developing notification and communication protocols and systems to reach all customers and communication in an understandable manner. PG&E, SCE, and SDG&E shall comply with the reporting requirement herein pertaining to the Joint Utility PSPS Working Group.

PG&E, SCE, and SDG&E shall file and serve an annual report in R.18-12-005 or successor proceeding, which includes a detailed summary of efforts to develop, in advance of wildfire season, notification and communication protocols and systems to reach all customers and communicate in an understandable manner. This detailed summary shall include, at a minimum, an explanation of the actions taken by the utility to ensure customers understand (1) the purpose of proactive de-energizations, (2) the process relied upon by the utility for initiating a PSPS event, (3) how to manage safely through a PSPS event, and (4) the impacts on customers if a proactive power shutoff is deployed by the utility. Further details of this annual report, including the date to be filed, shall be determined in R.18-12-005.

### **9.7. Develop Notification Strategies: Consider Geographic and Cultural Demographics**

In 2019, the PSPS Guidelines required that, in advance of fire season, utilities “...must develop notification strategies for all customer groups [and] ... must partner with local and state public safety partners, whenever possible, to develop notification strategies.”<sup>524</sup> In addition, the Commission stated, “Communication methods must consider the geographic and cultural demographics of affected areas, *e.g.*, some rural areas lack access to broadband services.”<sup>525</sup>

D.19-05-042 included a number of different languages that the utilities must use for notice.<sup>526</sup> Furthermore, as the Commission explained in 2019, this guideline, among others, is critical to “increase reliability of warning delivery and to provide a sense of corroboration that will encourage recipients to take protective actions.”<sup>527</sup>

With this goal in mind, below we review whether the utilities reasonably complied with the guideline to consider in consultation with local and state public safety partners, in advance of wildfire season, geographic and cultural demographics of the affected areas when designing communication methods within the context of the utility obligation to promote safety set forth in Pub. Util. Code § 451.

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<sup>524</sup> D.19-05-042, Appendix A at A18-A19.

<sup>525</sup> D.19-05-042, Appendix A at A18-19.

<sup>526</sup> D.19-05-042, Appendix A at A19.

<sup>527</sup> D.19-05-042, Appendix A at A18.

### **9.7.1. SED Report – Develop Notification Strategies: Consider Geographic and Cultural Demographics**

Regarding PG&E, the SED Report finds that, while PG&E states that it provided certain notice in multiple “prevailing languages,” it is unclear how PG&E determined the “prevailing languages” in an affected area and whether PG&E coordinated with local governments to determine the most prevalent languages.<sup>528</sup> The SED Report recommends PG&E document whether and how it considered geographic and cultural demographics of the affected areas in developing communications.<sup>529</sup> The SED Report also specifically requests PG&E to report on how it determined the prevailing language in the affected area.<sup>530</sup>

Regarding SCE, the SED Report considered SCE’s post-event reports, responses to SED data requests, and the results of post-event surveys by SCE and, based on this information, finds SCE failed, in its post-event reports, data request responses, and surveys, to provide detailed information on how SCE considered, in advance of wildfire season, geographic and cultural demographics.<sup>531</sup> Additionally, the SED Report states SCE provided no information of whether SCE provided specific instructions to customers in rural areas that potentially lacked access to broadband or wireless service.<sup>532</sup> The SED Report was unable to fully measure the effectiveness of SCE’s 2019 notification strategy due to insufficient information.<sup>533</sup>

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<sup>528</sup> SED Report at 15.

<sup>529</sup> SED Report at 15.

<sup>530</sup> SED Report at 15.

<sup>531</sup> SED Report at 16.

<sup>532</sup> SED Report at 16.

<sup>533</sup> SED Report at 16.

Regarding SDG&E, the SED Report does not provide an analysis of SDG&E's consideration in 2019 of geographic and cultural demographics in preparation for providing notice of a proactive power shutoff.<sup>534</sup> The SED Report only suggests that, going forward, SDG&E should consider conducting customer post-event surveys in multiple languages to assess whether its notification strategies appropriately considered geographic and cultural demographics of affected areas.<sup>535</sup>

**9.7.2. Utilities – Develop Notification Strategies: Consider Geographic and Cultural Demographics**

PG&E states that any criticisms of its 2019 compliance with this guideline are unfounded and further states that in 2019 it provided notice in English and Spanish. In addition, PG&E states it provided translated information on its PSPS website in six languages.<sup>536</sup> (As we discuss elsewhere in this decision, PG&E's website did not consistently function during PSPS events.) PG&E further states its Contact Center offered translation service. In addition, PG&E states it conducted daily media briefings, issued press releases with situational updates about the PSPS event, and provided press releases to multicultural media organizations to use for their own updates.<sup>537</sup> Regarding the Access and Functional Needs population, PG&E states it is particularly concerned about the impact of PSPS events on the Access and Functional Needs community and it remains committed, going forward, to improving in this area but no basis exists

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<sup>534</sup> SED Report at 17.

<sup>535</sup> SED Report at 17.

<sup>536</sup> PG&E November 16, 2020 Reply Comments at 8-10.

<sup>537</sup> PG&E November 16, 2020 Reply Comments at 8-10.

to find non-compliance on this issue.<sup>538</sup> PG&E did not provide a full description of its advance planning for communication with the Access and Functional Needs population in 2019.

In response to the SED Report, SCE points to its post-wildfire season surveys conducted to assess the effectiveness of 2019 notification strategies, which included some consideration of geographic and cultural demographics, such as the customer's ethnicity and location (urban or rural).<sup>539</sup> SCE also asserts that these post-wildfire season surveys reached relevant populations in affected areas. Finally, SCE claims that its post-wildfire survey models continue to mature over time and are built upon the foundation of understanding customer awareness, impacts, and needs.<sup>540</sup>

In response to the SED Report, SDG&E did not address 2019 but committed to conducting post-event surveys in the prevalent languages and exploring in-language notification strategies going forward.<sup>541</sup>

### **9.7.3. Parties – Develop Notification Strategies: Consider Geographic and Cultural Demographics**

City of San Jose finds the SED Report's analysis of this guideline deficient as it only focuses on whether PG&E “reported” on geographic and cultural demographic considerations and does not address whether PG&E “implemented” this directive. According to City of San Jose, PG&E failed to address geographic and cultural demographic considerations in its de-energization reports and failed to provide adequate communications in other

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<sup>538</sup> PG&E November 16, 2020 Reply Comments at 8-10.

<sup>539</sup> SCE September 2, 2020 Opening Comments at 18 and 19.

<sup>540</sup> SCE November 16, 2020 Reply Comments at 19.

<sup>541</sup> SDG&E September 2, 2020 Opening Comments at 21.

languages.<sup>542</sup> Aside from language issues, City of San Jose states that PG&E's failure to address local media meant the City of San Jose ended up providing regular briefings to the local community.<sup>543</sup> City of San Jose also states that PG&E failed to use different media channels to communicate with the Access and Functional Needs population and that this communication was limited because PG&E's only partnership with the Access and Functional Needs population was with California Foundation for Independent Living Centers, a nonprofit organization.<sup>544</sup>

Regarding PG&E, CforAT states that, while it appreciates PG&E's commitment going forward, to address consideration of geographic and demographic issues, PG&E appears focused on modifying only its reporting practices and fails to provide any evidence that it will improve its actions.<sup>545</sup>

Regarding SCE, Acton states SCE did not survey its residents or notify residents of any survey efforts.<sup>546</sup>

#### **9.7.4. Discussion – Develop Notification Strategies: Consider Geographic and Cultural Demographics**

All three utilities commit to improving their compliance with this guideline going forward. In 2019, the Commission explained the critical nature of this guideline, as a means to “increase reliability of warning delivery and to provide a sense of corroboration that will encourage recipients to take protective

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<sup>542</sup> City of San Jose November 16, 2020 Reply Comments 3-4.

<sup>543</sup> City of San Jose November 16, 2020 Reply Comments 3.

<sup>544</sup> City of San Jose November 16, 2020 Reply Comments 5.

<sup>545</sup> CforAT October 16, 2020 Opening Comments at 21-22.

<sup>546</sup> Acton November 16, 2020 Reply Comments at 10-11.

actions.”<sup>547</sup> Without considering demographic characteristics, such as prevalent languages, it is unclear how the utilities planned to provide customers with effective notice. In other words, without the provision of notice in the prevalent languages, the utilities could not, as stated by the Commission in 2019, have provided notice to “encourage recipients to take proactive actions” to ensure their safety in a power outage. We are further troubled by the apparent lack of advance planning in this area because hard to reach customers, e.g., customers living in remote geographic locations, may be vulnerable members of the community due to socio-economic factors. These members of the community must not be overlooked. PG&E’s explanation that in 2019 it provided notice in two languages, English and Spanish, and also had translations available on its website is not effective notice. Many more languages were used by customers in the affected areas and PG&E’s website was at times non-functional in 2019. SCE presents reasonable efforts to consider geographic and cultural demographics but its efforts largely occurred after the 2019 wildfire season.

The SED Report provides little information on SDG&E’s compliance with this guideline in advance of the 2019 fire season and, in response, SDG&E only elaborates on its actions pertaining to this guideline going forward, not its actions in 2019. In the absence of evidence to substantiate SDG&E’s consideration of geographic and cultural demographics in developing a notification strategy in advance of the 2019 fire season, we are unable to establish reasonable compliance.

For all these reasons, we find that in 2019 PG&E, SCE, and SDG&E failed to reasonably comply with the guideline that required utilities to consider

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<sup>547</sup> D.19-05-042, Appendix A at A18.

geographic and cultural demographics in developing a notification strategy in advance of the 2019 fire season for affected areas and, in failing to consider these factors, failed to comply with the utility obligation to promote safety set forth in Pub. Util. Code § 451.

**9.7.5. Corrective Action - Develop Notification Strategies:  
Consider Geographic and Cultural Demographics**

PG&E, SCE, and SDG&E shall, for a minimum of five years, retain records to substantiate all efforts to develop notification strategy that considers, among other things, geographic and cultural demographics (including a list of all languages used and where used) in advance of fire season. These records must be in a format readily accessible to Commission audit.

PG&E, SCE, and SDG&E shall immediately initiate a collaborative effort, to be referred to as the Joint Utility PSPS Working Group, which shall include, at a minimum, a monthly joint utility meeting to share all lessons learned and all best practices pertaining to developing a notification strategy that considers, among other things, geographic and cultural demographics (including all languages used and where used) in advance of fire season. PG&E, SCE, and SDG&E shall comply with the reporting requirement herein pertaining to the Joint Utility PSPS Working Group.

PG&E, SCE, and SDG&E shall file and serve an annual report in R.18-12-005 or successor proceeding, which includes a detailed summary of all efforts to develop notification strategies and consider, among other things, geographic and cultural demographics (including a list of all languages used and where used and a list of all local and state public safety partners consulted) in advance of fire season. Further details of this annual report, including the date to be filed, shall be determined in R.18-12-005.

**9.8. Develop a Communication Strategy, in Advance, for When  
Restrictions Due to Power Loss Exist**

In 2019, the PSPS Guidelines required utilities to: “develop a strategy for how communication will occur with affected customers once de-energization has begun and during re-energization, recognizing that communication channels



may be restricted due to the loss of power. The electric investor-owned utilities should develop this strategy in coordination with public safety partners.”<sup>548</sup>

Below we review whether the utilities reasonably complied with this guideline, in advance of the 2019 wildfire season, within the context of the utility obligation to promote safety set forth in Pub. Util. Code § 451.

**9.8.1. SED Report - Develop a Communication Strategy, in Advance, for When Restrictions Due to Power Loss Exist**

Regarding PG&E, the SED Report addresses whether PG&E complied with the reporting requirement pertaining to this guideline. The SED Report does not address the effectiveness of PG&E's communication “strategy,” or even the existence of such a strategy, during the 2019 proactive power shutoffs when no electricity was available to power communications technologies. The SED Report stated “PG&E should have documented in its Progress Report all the steps it took to develop a strategy pursuant to this requirement, taking into consideration communication channels may be restricted due to the loss of power.”<sup>549</sup> The SED Report concludes PG&E failed to describe how communications occurred in the absence of electricity.<sup>550</sup> The SED Report also concludes PG&E did not address coordination effort with public safety partners, the participation of public safety partners in the development of this strategy, and the role of public safety partners in communication during the 2019 de-energizations.<sup>551</sup>

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<sup>548</sup> D.19-05-042, Appendix A at A19.

<sup>549</sup> SED Report at 17.

<sup>550</sup> SED Report at 18.

<sup>551</sup> SED Report at 17.

Regarding SCE, the SED Report does not identify any issue specific to this guideline.

Regarding SDG&E, the SED Report identifies numerous communications channels relied upon by SDG&E in 2019 but does not address the effectiveness of SDG&E's communications "strategy." The SED Report concludes SDG&E's reporting was deficient, stating SDG&E should have described in a report a clear strategy for how communication would occur during a de-energization.<sup>552</sup>

**9.8.2. Utilities - Develop Communication Strategy, in Advance, for When Restrictions Due to Power Loss Exist**

PG&E disputes the conclusions of the SED Report and states it described PG&E's "multi-pronged communication approaches used when there is limited internet, cellular, or landline-based service" in a response to SED's data request and, in addition, in PG&E's August 2020 PSPS Phase 2 Progress Report.<sup>553</sup> PG&E agrees to update its description of its communication strategy for when restrictions due to power loss exist, if relevant, in a future progress report.<sup>554</sup>

SCE states it complied with this guideline in late 2019 and used multiple means of communication such as SMS, voice, email, TTY, and social media channels. In addition, SCE states it provided updates at community resource centers and its community crew vehicles.<sup>555</sup>

In response to the SED Report, SDG&E points to a 2020 progress report where SDG&E provided the Commission with a description of its communication strategy, rather than a 2019 report. No reporting by SDG&E on

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<sup>552</sup> SED Report at 18.

<sup>553</sup> PG&E September 2, 2020 Opening Comments at 6.

<sup>554</sup> PG&E September 2, 2020 Opening Comments at 6.

<sup>555</sup> SCE September 2, 2020 Opening Comments at 19.

this guideline for 2019 appears to exist. SDG&E also provides an extensive summary of its 2019 communication strategy, which appears comprehensive.<sup>556</sup> SDG&E explains it relies on direct communications through its Enterprise Notification System or ENS, a system used to send email, text, and voice notifications to affected customers.<sup>557</sup> SDG&E also engages in outreach to broadcast media (TV news and radio) to provide updates.<sup>558</sup> SDG&E further describes how it uses digital (SDG&E *NewsCenter* and its website) and social media (*Twitter, Facebook, Instagram*) to provide ongoing real-time updates. Additional communications channels, adopted since 2019, used by SDG&E include: (1) a new SDG&E PSPS app, which will provide users notifications based on zip code information and allows users to get real time updates during PSPS events and provides resource information; (2) a partnership through *Nextdoor.com*; (3) expanding outside signage to include school and community marqueees in affected communities, portable roadside signs along strategic routes sharing up-to-date information; and (4) radio updates. SDG&E states it continuously updated its first responders, public officials, and other community stakeholders in affected communities during entire events in 2019.<sup>559</sup>

### **9.8.3. Parties - Develop Communication Strategy, in Advance, For When Restrictions Due to Power Loss Exist**

CforAT states, generally, that to the extent utilities continue to rely on de-energizations in the future, utilities must take steps to more comprehensively identify and understand their vulnerable populations and provide adequate

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<sup>556</sup> SDG&E September 2, 2020 Opening Comments at 19-20.

<sup>557</sup> SDG&E September 2, 2020 Opening Comments at 22-23.

<sup>558</sup> SDG&E September 2, 2020 Opening Comments at 22-23.

<sup>559</sup> SDG&E September 2, 2020 Opening Comments at 22-23.

support for these customers when placed at risk during PSPS events.<sup>560</sup> CforAT further states, since 2019, the utilities have made some progress but not enough.<sup>561</sup> CforAT urges the Commission to not lose focus on the need to provide support for vulnerable customers at risk without electricity.<sup>562</sup> CforAT urges accountability for the utilities' failure to comply with requirements in place in 2019 to develop a communication strategy for when no power is available and, in addition, for the harm that resulted, particularly to vulnerable customers, stating that if no such accountability is provided, utilities will continue to defer compliance.<sup>563</sup>

Regarding PG&E, City of San Jose states that communication during power shutoffs was deficient, pointing to PG&E's website, which crashed several times during the October 9, 2019 PSPS event because, according to City of San Jose, PG&E did not prepare for the level of traffic it experienced.<sup>564</sup> City of San Jose also states that the communications it received from PG&E during 2019 PSPS events were often insufficient because PG&E personnel handling the "operational briefing calls" lacked training in emergency briefing and even displayed "shocking, condescending, and counterproductive attitude at times."<sup>565</sup> Additionally, City of San Jose states PG&E failed to clearly inform it of separate briefing calls offered to elected officials.<sup>566</sup>

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<sup>560</sup> CforAT October 16, 2020 Opening Comments at 6.

<sup>561</sup> CforAT October 16, 2020 Opening Comments at 6.

<sup>562</sup> CforAT October 16, 2020 Opening Comments at 6.

<sup>563</sup> CforAT October 16, 2020 Opening Comments at 15.

<sup>564</sup> City of San Jose October 16, 2020 Opening Comments at 14.

<sup>565</sup> City of San Jose October 16, 2020 Opening Comments at 18.

<sup>566</sup> City of San Jose October 16, 2020 Opening Comments at 18.

Joint Local Governments address PG&E's and SCE's compliance with this guideline and describe, overall, situations during PSPS events that were unmanageable due to lack of communication strategy, as follows:

“The [SED] report does not, however, capture the extent of the chaos and frustration caused by those problems, nor does it reflect the extent to which the utilities’ information-sharing problems hindered the planning and response efforts of local public safety partners.”<sup>567</sup>

Joint Local Governments also state effective communication with local governments was significantly hindered due to the lack of emergency training, such as the State Emergency Management Systems or SEMS, of PG&E personnel.<sup>568</sup> Joint Local Governments point out that in 2019 PG&E eventually cancelled its briefings to local governments without warning.<sup>569</sup> Joint Local Governments further state PG&E failed to work with local governments to develop scripted templates for local governments to use before, during, and after a PSPS event.<sup>570</sup> Additionally, Joint Local Governments point to the failure of PG&E's website, the lack of access to PG&E's secure web portal, PG&E's failure to regularly update its secure web portal with accurate information, the failure of PG&E's dedicated 24/7 emergency hotline for local governments.<sup>571</sup> Joint Local Governments state the SED Report is deficient because it fails, despite the availability of an overwhelming amount of evidence, to determine whether PG&E complied with the guidelines.<sup>572</sup>

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<sup>567</sup> Joint Local Governments October 16, 2020 Opening Comments at 30.

<sup>568</sup> Joint Local Governments October 16, 2020 Opening Comments at 20.

<sup>569</sup> Joint Local Governments October 16, 2020 Opening Comments at 22.

<sup>570</sup> Joint Local Governments October 16, 2020 Opening Comments at 25.

<sup>571</sup> Joint Local Governments October 16, 2020 Opening Comments at 35.

<sup>572</sup> Joint Local Governments October 16, 2020 Opening Comments at 23.

Regarding the SED Report, Joint Local Governments state it is deficient because it focuses on PG&E's compliance with the reporting requirements pertaining to this guideline, rather than the effectiveness of compliance with the notice guidelines.<sup>573</sup>

Regarding SCE, Joint Local Governments state SCE performed well, at times, but also failed in many respects. In terms of failures, Joint Local Governments state SCE's automated reports for local governments contained inaccuracies and consistency problems, with SCE providing different information to the public and to local governments, providing Santa Barbara County information meant for San Bernardino County, failing to identify an impacted critical facility or Medical Baseline customers to Santa Barbara County, and failing to provide PSPS information on its website in accessible formats.<sup>574</sup> Overall, Joint Local Governments state SCE "did not design its de-energization notification and communication protocols in coordination with the local governments responsible for most of the on-the-ground work to keep customers safe, nor does it appear SCE gave enough thought to the practical implications of the tools it created."<sup>575</sup> In terms of corrective actions and penalties, Joint Local Governments recommend the Commission engage in a more comprehensive reasonableness review of all PSPS events, require PG&E and SCE to provide bill credits, with local governments receiving \$100,000 per event, and impose penalties.

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<sup>573</sup> Joint Local Governments October 16, 2020 Opening Comments at 28.

<sup>574</sup> Joint Local Governments October 16, 2020 Opening Comments at 36-37.

<sup>575</sup> Joint Local Governments October 16, 2020 Opening Comments at 37.

Regarding SCE, Acton states SCE's communication strategy in 2019 was of little value to customers in rural areas of North Los Angeles County because none of SCE's communication platforms worked in these rural areas after SCE shutoff power for more than a few hours.<sup>576</sup> Acton Town Council states SCE's late 2019 proactive power shutoffs eliminated all communications in Acton and the surrounding rural areas and, as a result, none of SCE's text, voice, email, and TTY messages ever got transmitted to customers.<sup>577</sup> Acton concludes, based on the experience of its residents, SCE failed to comply with this guideline.<sup>578</sup>

California State Association of Counties states that, while improvements in 2020 may have been made in communications, communication issues between the utilities, local governments and customers still appear to exist.<sup>579</sup>

**9.8.4. Discussion - Develop Communication Strategy, in Advance, for When Restrictions Due to Power Loss Exist**

The utilities must have a comprehensive communications strategy in place, prior to fire season, to rely upon during a de-energization when access to electricity is restricted or not available and when most communications platforms are non-functional due to the loss of electricity.

The Commission provided utilities with notice that such a communications strategy would be needed, as far back as 2012 – almost a decade before the events at issue – when the Commission emphasized certain dangerous effects of power shutoffs on communications systems, stating:

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<sup>576</sup> Acton October 16, 2020 Opening Comments at 11.

<sup>577</sup> Acton October 16, 2020 Opening Comments at 11.

<sup>578</sup> Acton October 16, 2020 Opening Comments at 22.

<sup>579</sup> California State Association of Counties November 16, 2020 Reply Comments at 3.

“Without power, numerous unsafe conditions can occur. Traffic signals do not work, medical life support equipment does not work, water pumps do not work, and communication systems do not work.”<sup>580</sup>

Again, in 2018, the Commission stated utilities must have plans to provide “notification ...during, a de-energization event.”<sup>581</sup> Then in 2019, the Commission directed utilities to develop a plan to communication with customers in the absence of power.<sup>582</sup> The utilities should have started planning for how to communicate in the absence of electricity long in advance of the 2019 fire season. For these reasons, we find the utilities had sufficient time and notice prior to the 2019 PSPS events to develop a plan to communicate with customers when access to electricity is restricted.

Nevertheless, PG&E’s and SCE’s plans were deficient in many respects. The following comments by parties are persuasive. City of San Jose describes a complete lack of professionalism by PG&E during the 2019 PSPS events, stating that PG&E personnel handling the “operational briefing calls” lacked training in emergency briefing and even displayed “shocking, condescending, and counterproductive attitude at times.” CforAT points out deficiencies in communication with our most vulnerable populations. Joint Local Governments describe both PG&E’s and SCE’s communication strategy as “chaotic.” Joint Local Governments present a series of troubling missteps by PG&E, including PG&E’s website failure, lack of SEMS/emergency training of its personnel, and failures of the secure web portals for local governments.

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<sup>580</sup> D.12-04-024 at 29.

<sup>581</sup> Resolution ESRB-8 (July 21, 2018) at 6.

<sup>582</sup> D.19-05-042, Appendix A at A19.



SCE's performance appeared somewhat better than PG&E's but was still marred by inconsistencies, inaccuracies, and failure to account for backup power to enable telecommunications in more remote rural areas. These deficiencies by PG&E and SCE jeopardized the safety of customers.

While the SED Report includes little analysis of SDG&E's compliance with this guideline in 2019, SDG&E's comments provide a lengthy description of the comprehensive strategy for communicating during a power outage used during the 2019 PSPS events, which we find reasonable.

For these reasons, we find that in 2019, PG&E and SCE failed to reasonably comply with the directive to develop a communications strategy to use during a power shutoff when communications may be restricted due to the lack of access to electricity and, as a result, we find PG&E and SCE failed to comply with the utility obligation to promote safety in Pub. Util. Code § 451.

We find that SDG&E acted reasonably with respect to the directive to develop a communications strategy during a power shutoff when communications may be restricted due to the lack of access to electricity.

We adopt the corrective actions set forth below.

**9.8.5. Corrective Action - Develop Communication Strategy, in Advance, for When Restrictions Due to Power Loss Exist**

PG&E, SCE, and SDG&E shall, for a minimum of five years, retain records to substantiate all efforts to develop and implement, in advance of wildfire season, a communications strategy to rely on during a proactive de-energization when restrictions due to the power loss exist. These records must be in a format readily accessible to Commission audit.

PG&E, SCE, and SDG&E shall immediately initiate a collaborative effort, to be referred to as the Joint Utility PSPS Working Group, which shall include, at a minimum, a monthly joint utility meeting to share all lessons learned and all best practices pertaining to developing and implementing, in advance of wildfire season, a communications strategy to rely on during a proactive de-energization

when restrictions due to the power loss exist. PG&E, SCE, and SDG&E shall comply with the reporting requirement herein pertaining to the Joint Utility PSPS Working Group.

PG&E, SCE, and SDG&E shall file and serve an annual report in R.18-12-005 or successor proceeding, which includes a detailed summary to substantiate all efforts to develop and implement, in advance of wildfire season, a communications strategy to rely on during a proactive de-energization when restrictions due to the power loss exist. This detailed summary must address how the utility worked in coordination with public safety partners to develop this communication strategy. Further details of this annual report, including the annual date to be filed, shall be determined in R.18-12-005.

### **9.9. Upon Request, Provide Operational Coordination to Public Safety Partners**

In 2019, the PSPS Guidelines stated that: “Coordination in preparation for de-energization is a shared responsibility between the electric investor-owned utilities, public safety partners, and local governments; however, the electric utilities are ultimately responsible and accountable for the safe deployment of de-energization.”<sup>583</sup>

The 2019 PSPS Guidelines also required that, to aid public safety partners prepare for a PSPS event: “utilities must provide, if requested, operational coordination with public safety partners to ensure such partners have not only the information but also the coordination with the utilities necessary to prepare for de-energization.”<sup>584</sup> The Commission explained in 2019 that operational coordination with public safety partners was necessary to ensure the public safety partner’s ability to “respond effectively” to proactive de-energizations.<sup>585</sup>

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<sup>583</sup> D.19-05-042, Appendix A at A2.

<sup>584</sup> D.19-05-042, Appendix A at A15.

<sup>585</sup> D.19-05-042 at 91.

Below we review whether the utilities substantiated reasonable compliance with this guideline within the context of the utility obligation to promote safety set forth in Pub. Util. Code § 451.

**9.9.1. SED Report – Upon Request, Provide Operational Coordination with Public Safety Partners**

To improve future performance, the SED Report recommends all the utilities share feedback received from public safety partners on operational coordination in preparation for a proactive power shutoff.<sup>586</sup> The SCE Report also recommends the utilities expand operational coordination to develop more effective de-energization programs.

The SED Report provides no specific analysis of PG&E's compliance with the guideline.

Regarding SCE, the SED Report concludes SCE may have missed some opportunities to coordinate with local governments.<sup>587</sup>

Regarding SDG&E, the SED Report includes no specific analysis of SDG&E's compliance with this guideline.

**9.9.2. Utilities – Upon Request, Provide Operational Coordination with Public Safety Partners**

In response to comments by Joint Local Governments, PG&E states, that because D.19-05-042 was “silent as to the specific elements” of this operational coordination, PG&E found it difficult to organize between the time the Commission issued its May 2019 decision, D.19-05-042, and PG&E's first 2019 PSPS events, in October 2019.<sup>588</sup> PG&E's 10-day post-event reports provided

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<sup>586</sup> SED Report at 19.

<sup>587</sup> SED Report at 19.

<sup>588</sup> PG&E November 16, 2020 Reply Comments at 10-11.

detailed information about the actions it took before de-energizing to coordinate with public safety partners.<sup>589</sup> However, PG&E also acknowledges that the level of coordination with local governments and public safety providers did not “reach the depth that those partners desired” during the 2019 PSPS events. Nevertheless, PG&E states no basis exists to find it failed to comply with the PSPS guidelines.<sup>590</sup>

SCE states it complied with this guideline and disagrees with the SED Report's conclusion, stating SCE engaged in extensive coordination with local governments, public safety partners, local governments, tribal governments, and critical facilities in advance of the 2019 PSPS events.<sup>591</sup> SCE further states, “Beginning before the 2019 wildfire season, SCE invited the 14 counties in its service area to attend regularly scheduled bi-weekly meetings with county emergency management officials to coordinate planning, communication efforts and protocols and to solicit feedback on improving PSPS implementation.”<sup>592</sup> Regarding SCE’s efforts to document coordination with public safety partners, SCE states it will, going forward, share minutes of the PSPS Working Groups and Advisory Board meetings, required by D.20-05-051, with the Commission and the public, as part of SCE’s required progress reports. SCE also states it will share lessons learned with the other utilities to improve coordination and consistency of each utility’s approach to proactive de-energization.<sup>593</sup>

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<sup>589</sup> PG&E November 16, 2020 Reply Comments at 10-11.

<sup>590</sup> PG&E November 16, 2020 Reply Comments at 10-11.

<sup>591</sup> SCE September 2, 2020 Opening Comments at 44.

<sup>592</sup> SCE September 2, 2020 Opening Comments at 19.

<sup>593</sup> SCE September 2, 2020 Opening Comments at 19-20.

SDG&E states that, in advance of the 2019 wildfire season, it engaged in a number of initiatives to facilitate operational coordination with public safety partners.<sup>594</sup> It developed a secure transfer for GIS files for its public safety partners and, when requested, provided relevant GIS data, including identification of critical facilities, circuits, and number of Medical Baseline customers, to local jurisdictions in advance of wildfire season.<sup>595</sup> This information was used for operational coordination between public safety partners and SDG&E during the pre-planning phase to ensure operational readiness.<sup>596</sup> SDG&E also relied on its website, which has a dedicated public safety power shutoff section, to which the public along with public safety partners are directed to as part of SDG&E's public education campaign.<sup>597</sup>

### **9.9.3. Parties – Upon Request, Provide Operational Coordination with Public Safety Partners**

Joint Local Governments conclude PG&E's and SCE's compliance with this guideline was deficient, stating: "Local public safety partners did not receive the operational coordination they needed."<sup>598</sup> In describing the importance of operational coordination with public safety partners, Joint Local Governments identify a number of key actions, stating,

"Operational coordination also generally includes follow-up discussions and requests from public safety partners for additional information, which require diligent follow-up by the utilities. The

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<sup>594</sup> SDG&E September 2, 2020 Opening Comments at 10.

<sup>595</sup> SDG&E September 2, 2020 Opening Comments at 10.

<sup>596</sup> SDG&E September 2, 2020 Opening Comments at 10.

<sup>597</sup> SDG&E September 2, 2020 Opening Comments at 11.

<sup>598</sup> Joint Local Governments October 16, 2020 Opening Comments at 6.

record shows that PG&E and SCE largely failed to meet this obligation.”<sup>599</sup>

Specifically, regarding PG&E, Joint Local Governments state the SED Report does not address PG&E’s failure to implement this crucial requirement – which it describes as a “noticeable omission.”<sup>600</sup> Even though, the SED Report is silent on PG&E’s failings regarding this guideline, Joint Local Governments state the record of this proceeding shows PG&E fell short of its obligation to provide operational coordination with public safety partners upon request.<sup>601</sup> Joint Local Governments state that some of PG&E’s employees did provide operational coordination to members of the Joint Local Governments before the 2019 fire season.<sup>602</sup> However, overall, Joint Local Governments state PG&E failed to provide the level of operational coordination with its public safety partners necessary to ensure well-considered and rationally executed de-energization events.<sup>603</sup> Joint Local Governments state that, before the 2019 fire season, a PG&E employee even informed Joint Local Governments’ emergency managers it was too busy with its internal de-energization readiness to provide planning information or operational coordination to local governments until after 2019 fire season was over.<sup>604</sup>

Regarding SCE, Joint Local Governments agree with the finding of the SED Report, that in 2019 SCE did not sufficiently engage in fire season operational

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<sup>599</sup> Joint Local Governments October 16, 2020 Opening Comments at 14.

<sup>600</sup> Joint Local Governments October 16, 2020 Opening Comments at 11.

<sup>601</sup> Joint Local Governments November 16, 2020 Reply Comments at 10.

<sup>602</sup> Joint Local Governments October 16, 2020 Opening Comments at 11.

<sup>603</sup> Joint Local Governments October 16, 2020 Opening Comments at 11.

<sup>604</sup> Joint Local Governments October 16, 2020 Opening Comments at 11.

coordination with Santa Barbara County or Kern County.<sup>605</sup> Joint Local Governments further state that, while SCE may have held some bi-weekly meetings with its public safety partners, Santa Barbara County recalls that the meetings were not held consistently and these meetings served more as after-action reviews of de-energization events, rather than opportunities for operational planning.<sup>606</sup>

#### **9.9.4. Discussion - Upon Request, Provide Operational Coordination with Public Safety Partners**

Operational coordination with public safety partners in preparation for wildfire season is fundamental to whether utilities succeed in mitigating the impact of power shutoffs on customers. In addition, utilities must continue to explore and innovate methods to further mitigate the impact of power shutoffs on customers. Public safety partners are a critical link between the customer and the utilities to facilitate the transfer of information and the mitigation of harm. Within the PSPS Guidelines, the link is created by “operational coordination.” In 2019, based on the record of this proceeding, PG&E did not have adequate systems in place to ensure operational coordination with public safety partners. SCE, likewise, lacked adequate systems but performed better than PG&E. SDG&E performed adequately due to, as described by Joint Local Governments, the “utility’s longstanding face-to-face working relationship with the local governments in its service territory.”<sup>607</sup>

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<sup>605</sup> Joint Local Governments October 16, 2020 Opening Comments at 11.

<sup>606</sup> Joint Local Governments November 16, 2020 Reply Comments at 15.

<sup>607</sup> Joint Local Governments Opening Comments on the Proposed Decision at 7-8.

The failures of PG&E and, to a lesser extent, SCE are clearly identified by Joint Local Governments' detailed review of the utilities' missteps. We are concerned that, in describing its experience in 2019, Joint Local Governments state its members "did not receive the operational coordination" they needed and, as a result "chaos ensued." Joint Local Governments suggest a few actions to improve operational coordination, including diligent and prompt follow-up by the utilities to requests from public safety partners for additional information. We find this suggestion appropriate and request PG&E, SCE, and SDG&E to immediately initiate outreach to Joint Local Governments to implement systems to facilitate this request. In the future, we expect Joint Local Governments' experience with PG&E and SCE to be vastly improved.

While SCE disputes many of the Joint Local Government's conclusions, it also pledges to improve transparency in its effort pertaining to operational coordination and agrees to share lessons learned with the other utilities to improve performance by all the utilities. SCE shall immediately engage in these efforts. We agree that SCE must improve transparency and share lessons learned regarding this guideline.

PG&E, on the other hand, does not accept responsibility for any deficiencies identified by Joint Local Governments and offers excuses to minimize any perceived failures. PG&E argues, for example, it did not have enough time to prepare. However, as we have stated previously, the Commission started to address de-energizations at least a decade ago and, at that time, pointed to potential areas of concern, such as mitigation of harms and adequate notice, which rely upon extensive coordination with public safety partners. We reiterated these concerns in D.12-04-042, D.19-05-042, and Resolution ESRB-8. As a result, PG&E's argument that it lacked sufficient time to



engage in operational coordination remains unconvincing. PG&E also implies public safety partners had unrealistic expectations of PG&E's ability to coordinate and argues that, to the extent PG&E's performance could be characterized as inadequate, it is because the Commission failed to give the utilities specific instructions on how to comply with this guideline. We also find this argument unconvincing, as we expect the utilities to meet the expectations of public safety partners (or bring the matter to our attention for resolution) and PG&E had the options of contacting the Commission with any questions it had regarding steps to achieve compliance with this guideline.

Neither the SED Report or parties raise issues regarding SDG&E's compliance with this guideline, and we note with approval SDG&E's efforts to facilitate operational coordination and provide consistent comprehensive reporting on this topic. To encourage PG&E and SCE to quickly improve operational coordination, PG&E and SCE are directed to implement initiatives on operational coordination with public safety partners similar to those of SDG&E and its longstanding practice of relying on face-to-face working relationships with the local governments in its service territory, which includes, as detailed in its opening comments, the following: (1) develop a secure transfer for GIS files for public safety partners; (2), provide, upon request, relevant GIS data, including identification of critical facilities, circuits, and number of Medical Baseline customers, to public safety partners in advance of wildfire season; (3) provide and make available information and situational awareness about de-energization in multiple ways to the community, share a document with public safety partners on PSPS policies and procedures, including considerations taken into account prior to a shutoff, the de-energization process, and the utility's notification process to customers, non-customers and other critical stakeholders;

(4) provide resources to the community and public safety partners, including the availability and location of Community Resources Centers; (5) address the difference between an unplanned outage and an outage related to a de-energization; (6) develop on the utility's website a dedicated PSPS section, to which the public along with public safety partners are driven to as part of the utility's public education; (7) provide a secure data transfer of the de-energization boundaries to share real-time data with public safety partners; (8) encourage public safety partners to use the utility's dedicated de-energization webpage to obtain education and outreach provided prior to fire season, up-to-date information during a de-energization, including a depiction of the boundary of the de-energization event on the utility's website homepage and dedicated de-energization page; and (9) shared on the utility's website and in relevant communications a 24-hour means of contact that customers and public safety partners may use to ask questions and/or seek information.

The SED Report, while providing some insights on the level of operational coordination, could have benefited from a more in-depth analysis of this critical area. The SED Report does, however, suggest several actions all the utilities can take to improve their performance. We adopt the recommendations in the SED Report that utilities share feedback from public safety partners to enhance operational coordination. We also agree with the SED Report that the utilities must, as a general matter and especially pertaining to PG&E and SCE, improve overall operational coordination with public safety partners and implement plans for improvements immediately.

For these reasons, we find in late 2019, PG&E and SCE failed to reasonably comply with the PPS Guideline to, upon request, provide operational coordination with public safety partners and, in failing to reasonably comply

with this guideline, PG&E and SCE failed to comply with the utility obligation to promote safety in Pub. Util. Code § 451. Based on the record of this proceeding, we find SDG&E reasonably complied with the guideline to, upon request, provide operational coordination with public safety partners.

We adopt the corrective actions set forth below.

**9.9.5. Corrective Action - Upon Request, Provide Operational Coordination with Public Safety Partners**

PG&E, SCE, and SDG&E shall immediately initiate a collaborative effort, to be referred to as the Joint Utility PSPS Working Group, which shall include, at a minimum, a monthly joint utility meeting to share all lessons learned and all best practices pertaining to operational coordination with public safety partners. The Joint Utility PSPS Working Group shall also work together to share all the above enumerated items relied upon by SDG&E to promote operational coordination. PG&E and SCE shall incorporate these enumerated items into their de-energization protocols, to the greatest extent possible, within six months from the effective date of this decision. PG&E, SCE, and SDG&E shall comply with the reporting requirement herein pertaining to the Joint Utility PSPS Working Group.

PG&E, SCE, and SDG&E shall file and serve an annual report in R.18-12-005 or a successor proceeding, which shall identify, among other things, all methods use to promote operational coordination with public safety partners. Further details of this annual report, including the date to be filed, shall be determined in R.18-12-005.

PG&E, SCE, and SDG&E shall file and serve an annual report in R.18-12-005 or successor proceeding, which shall identify, among other things, the dates/times, attendees, and topics discuss and action items pertaining to each PG&E, SCE, and SDG&E monthly engagement with Joint Local Governments.

**9.10. Work with Public Safety Partners to Prepare for Concurrent Emergencies: Emergencies during PSPS Events**

In 2019, the PSPS Guidelines required that utilities "...work with public safety partners in advance of the wildfire season to develop preliminary plans for

addressing emergency situations that may arise during de-energization....

Although not a request to delay de-energization, such a situation could result in the public safety being better served by utility lines being re-energized.”<sup>608</sup>

Below we review whether the utilities reasonably complied with this guideline within the context of the utility obligation to promote safety set forth in Pub. Util. Code § 451.

**9.10.1. SED Report - Work with Public Safety Partners to Prepare for Concurrent Emergencies: Emergencies during PSPS Events**

The SED Report provides no analysis of PG&E’s compliance with the guideline.<sup>609</sup>

Regarding SCE, the SED Report finds SCE should have more closely coordinate with local fire departments and CAL FIRE before activating a power shutoff because firefighters will be directly impacted should a fire ignite during a PSPS event.<sup>610</sup>

Regarding SDG&E, the SED Report recommends SDG&E expand its efforts to prepare for concurrent emergencies to include all public safety partners due to concerns that SDG&E did not engage some public safety partners.<sup>611</sup>

**9.10.2. Utilities - Work with Public Safety Partners to Prepare for Concurrent Emergencies: Emergencies during PSPS Events**

In response to the SED Report, PG&E generally acknowledges the importance of working with public safety partners, including fire agencies, in

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<sup>608</sup> D.19-05-042, Appendix A at A25-A26.

<sup>609</sup> SED Report at 19.

<sup>610</sup> SED Report at 20.

<sup>611</sup> SED Report at 20.

advance of fire season to develop preliminary plans for other emergencies arising during a de-energization.<sup>612</sup> PG&E disagrees that public safety partners should be able to direct when utilities must re-energize lines.<sup>613</sup>

In response to the SED Report, SCE states it closely coordinates with county emergency management offices during de-energizations to address issues that may arise should a fire start during a de-energization and deploys its own fire management personnel to work with fire agencies during such fire events.<sup>614</sup> In response to the SED Report, SCE also acknowledges all would benefit from improved coordination with local fire departments and CAL FIRE before activating a de-energization and SCE has continued to work on enhancing communications with fire agencies in 2020. SCE also continues to engage with Cal OES, CAL FIRE, and the Commission to identify enhancements for notification protocols during PSPS events and it began PSPS simulation exercises in May 2020 to confirm that PSPS processes and procedures were effectively working.<sup>615</sup> At that time, SCE states it invited representatives from CAL FIRE to provide feedback on these exercises, which SCE intends to use to improve all aspects of de-energization going forward.<sup>616</sup>

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<sup>612</sup> PG&E November 16, 2021 Reply Comments at 11.

<sup>613</sup> PG&E November 16, 2021 Reply Comments at 11.

<sup>614</sup> SCE September 2, 2020 Opening Comments at 21-22.

<sup>615</sup> SCE September 2, 2020 Opening Comments at 21-22.

<sup>616</sup> SCE September 2, 2020 Opening Comments at 21-22.

In response to the SED Report, SDG&E states it will continue to assess whether additional public safety partners exist to include in its emergency planning process.<sup>617</sup>

**9.10.3. Parties - Work with Public Safety Partners to Prepare for Concurrent Emergencies: Emergencies during PSPS Events**

Mussey Grade describes instances in 2019 related to customers of all three utilities in de-energized areas being subjected to wildfire danger and, in addition, provides examples of the lack of collaboration by the utilities with public safety partners in 2019.<sup>618</sup> To address the need for greater coordination between utilities and fire agencies, Mussey Grade recommends the Commission specifically direct utilities to work with fire agencies to determine whether a situation has arisen that would result in the public safety partner being better served by utility lines being re-energized.<sup>619</sup>

Joint Local Governments state PG&E failed to work with public safety partners in advance of the 2019 wildfire season to develop plans to address concurrent emergencies that arise during de-energizations.<sup>620</sup>

Joint Local Governments agree with the recommendation in the SED Report for SCE to closely coordinate with local fire agencies and CAL FIRE but states that all the utilities, not just SCE, must engage in more planning to enable coordination with agencies beyond just fire departments for the possibility of

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<sup>617</sup> SDG&E September 2, 2020 Opening Comments at 23.

<sup>618</sup> Mussey Grade October 16, 2020 Opening Comments at 12-13.

<sup>619</sup> Mussey Grade October 16, 2020 Opening Comments at 13.

<sup>620</sup> Joint Local Governments October 16, 2020 Opening Comments at 12.

concurrent emergencies during de-energizations.<sup>621</sup> Joint Local Governments specifically point to deficiencies or complete lack of planning by PG&E and SCE in working with public safety partners to develop plans for concurrent emergencies.<sup>622</sup>

**9.10.4. Discussion – Work with Public Safety Partners to Prepare for Concurrent Emergencies: Emergencies during PSPS Events**

The possibility of concurrent emergencies, *e.g.*, a fire during a de-energization, is real. Parties provided actual examples of such concurrent emergencies occurring in 2019. The utilities must be prepared to act, possibly even re-energizing, to protect public safety in the event of concurrent emergencies pursuant to Pub. Util. Code § 451. While the SED Report focuses on how SCE and SDG&E should have prepared in 2019 for the possibility of fires igniting during a de-energization and does not comprehensively address PG&E, we are persuaded by Joint Local Governments and Mussey Grade that all three utilities underperformed in planning with public safety partners in 2019 for concurrent emergencies. Moreover, we agree with Mussey Grade and Joint Local Governments that the utilities in 2019 should have planned for the possibility that other emergencies, beyond just fires, could have placed customers at risk of serious harm due to, among other things, the lack of communications. While we agree that the utilities in 2019 should have and must, going forward, plan for concurrent emergencies, beyond just fire, during a de-energization, we also share the concerns expressed by Mussey Grade that, based on the inadequate planning

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<sup>621</sup> Joint Local Governments October 16, 2020 Opening Comments at 14.

<sup>622</sup> Joint Local Governments November 16, 2020 Reply Comments at 16 and 17.

prior to the 2019 fire season, the Commission should more specifically direct the utilities work with one type of public safety partner, fire agencies.

For these reasons, we find in 2019, PG&E, SCE, and SDG&E failed to reasonably comply with PSPS Guideline to work with public safety partners to plan for the possibility of concurrent emergencies, and as a result of this failure, the PG&E, SCE, and SDG&E failed to comply with the utility obligation to promote safety in Pub. Util. Code § 451. When referring to a concurrent emergency, we mean an emergency arising during a de-energization.

We adopt the corrective actions set forth below.

**9.10.5. Corrective Action - Work with Public Safety Partners to Prepare for Concurrent Emergencies: Emergencies during PSPS Events**

PG&E, SCE, and SDG&E each shall, within 90 days of the effective date of this decision, engage, at a minimum three times, with fire agencies and public safety partners located in their service territories in High Fire Risk Districts Tier 2 and 3 and work on plans to address the possibility of emergencies, including fires, arising during a proactive de-energization.

PG&E, SCE, and SDG&E each shall, within 30 days following the 90-day periods referred to above, file and serve a report in R.18-12-005 describing the engagement with fire agencies and public safety partners in their service territories in High Fire Risk Districts Tier 2 and 3, including the date/time of all meetings, attendees, topics discussed, and action items.

PG&E, SCE, and SDG&E shall immediately initiate a collaborative effort, to be referred to as the Joint Utility PSPS Working Group, which shall include, at a minimum, a monthly joint utility meeting to share all lessons learned and all best practices pertaining feedback from public safety partners on how utilities can improve their response to concurrent emergencies, which shall include fires. PG&E, SCE, and SDG&E shall comply with the reporting requirement herein pertaining to the Joint Utility PSPS Working Group.

PG&E, SCE, and SDG&E shall file and serve an annual report in R.18-12-005 or a successor proceeding, which shall identify, among other things,



all methods used to work with public safety partners to improve responses to concurrent emergencies. Further details of this annual report, including the date to be filed, shall be determined in R.18-12-005.

### **9.11. Assess Needs of Critical Facilities and Infrastructure for Backup Generation**

In 2019, the PSPS Guidelines required utilities, in advance of wildfire season, to engage in outreach to assess the needs of critical facilities and infrastructure for backup generation and, if necessary, provide needed backup generation. The Commission in 2019 stated that utilities “in advance of the wildfire season, must proactively partner with critical facility and critical infrastructure representatives to assess the ability of each critical facility to maintain operations during de-energization events of varying lengths.”<sup>623</sup> As part of this assessment, in 2019 the Commission stated, “utilities must help critical facility and critical infrastructure representatives assess the need for backup generation and determine whether additional equipment is needed, including providing generators to [critical] facilities or infrastructure that are not well prepared for a power shutoff.”<sup>624</sup>

Below we review whether the utilities reasonably complied with this guideline within the context of the utility obligation to promote safety set forth in Pub. Util. Code § 451.

#### **9.11.1. SED Report - Assess Needs of Critical Facilities and Infrastructure for Backup Generation**

Regarding PG&E, the SED Report concludes PG&E initiated outreach but PG&E should improve, going forward, coordination and planning efforts for

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<sup>623</sup> D.19-05-042, Appendix A at A12.

<sup>624</sup> D.19-05-042, Appendix A at A12.

backup power for critical facilities or infrastructure not well-prepared for de-energization.<sup>625</sup> The SED Report states PG&E did not engage in outreach to assess backup power to hospitals, water facilities, and correctional facilities.<sup>626</sup> In addition, the SED Report finds that, additional coordination for backup power would have potentially avoided the loss by the City and County of San Francisco (Castlewood Reservoir) and Contra Costa County (Pleasanton Well) of tens of thousands of gallons of water.<sup>627</sup>

Regarding SCE, the SED Report concludes, in each 2019 post-event report, SCE should have provided the Commission with more information about SCE's mobile backup generator program, including the number of mobile backup generators and how SCE determined which critical facilities received backup generators. The SED Report suggests this information be provided in each of SCE's future post-event reports.<sup>628</sup> The SED Report further suggests SCE "properly assess the needs of its affected communities to identify specific locations where it can provide backup power."<sup>629</sup>

Regarding SDG&E, the SED Report finds SDG&E's responses regarding backup generation for critical facilities and infrastructure lacked sufficient specificity and information pertaining to the process relied upon for assessing backup power needs and the results of such assessments, *e.g.*, whether the

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<sup>625</sup> SED Report at 21.

<sup>626</sup> SED Report at 21.

<sup>627</sup> SED Report at 21, citing to City and County of SF January 10, 2020 Response at 2-3.

<sup>628</sup> SED Report at 22.

<sup>629</sup> SED Report at 22.

assessment resulted in SDG&E's providing backup generation or the customer purchasing it.<sup>630</sup>

### **9.11.2. Utilities - Assess Needs of Critical Facilities and Infrastructure for Backup Generation**

In response to the SED Report, PG&E states that, since 2019, it has continued to work with cities, counties, and critical facilities regarding their backup power needs. PG&E also states it has voluntarily provided backup generation to some facilities in 2020, including hospitals, medical stations, shelters, nursing centers, and voting places. PG&E states it interpreted the Commission's directive to provide backup generation in 2019 as discretionary, rather than mandatory.<sup>631</sup> PG&E also explains the need to prioritize the provision of its own backup generation based on "PG&E's limited mobile generation resources."<sup>632</sup>

In response to comments by parties that PG&E did not do enough around backup power prior to the proactive power shutoffs in late 2019, PG&E further explains its extensive engagement efforts regarding backup power and claims, again, that in 2019 PG&E was not (and is not) responsible for providing backup power generation to critical facilities and infrastructure.<sup>633</sup>

PG&E relies on Resolution ESRB-8 (July 12, 2018) to support its position that its provision of backup power in late 2019 was discretionary, not mandatory, and cites to the following statement by the Commission in Resolution ESRB-8: "The requirement to provide generators and/or batteries to critical facilities was

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<sup>630</sup> SED Report at 22.

<sup>631</sup> PG&E September 2, 2020 Opening Comments at 7-8.

<sup>632</sup> PG&E September 2, 2020 Opening Comments at 7-8.

<sup>633</sup> PG&E September 2, 2020 Opening Comments at 7-8, citing to Resolution ESRB-8 at 8.

removed [from draft Resolution ESRB-8] since most critical facilities are required to have their own back-up power resources.”<sup>634</sup> PG&E does not address the more recent and controlling Commission directive in 2019, repeatedly found in D.19-05-042, ordering the utilities to assess backup power needs of critical facilities and infrastructure, “including utility-provided generators for facilities that are not well prepared for a power shutoff.”<sup>635</sup> PG&E concludes that, while parties suggest PG&E’s efforts were “not meaningful,” parties fail to identify any evidence of a violation of D.19-05-042.<sup>636</sup>

In response to the SED Report, SCE explains its conducted outreach to critical facilities and infrastructure but did not coordinate with these entities in advance of the 2019 wildfire season to assess their ability to maintain operations during de-energization events. SCE states it considered requests to provide mobile back-up generation in 2019 and deployed four mobile diesel generators during the October 27, 2019 de-energization to support public safety. According to SCE, existing laws or industry standards often require critical facilities and infrastructure customers to have back-up generation in place to sustain critical operations in the event of a power outage. However, if these entities were unable to sustain critical life/safety operations during an extended power outage

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<sup>634</sup> PG&E September 2, 2020 Opening Comments at 7-8, citing to Resolution ESRB-8 at 8.

<sup>635</sup> D.19-05-042 at 73-74.

<sup>636</sup> PG&E November 16, 2020 Reply Comments at 12-13, citing to comments of Joint Local Governments: “The Joint Local Governments complain that PG&E ‘did not meaningfully partner with the critical facilities in its service territory to assess their resiliency and determine if additional backup generation was necessary....Even if PG&E did coordinate with some critical facilities before the 2019 fire season, it did not do so with a significant number of facilities or with the facilities in each county that were essential to public health and safety, such as hospitals, water facilities, or correctional facilities.’”

through their own resiliency planning, SCE considered and continues to consider requests to provide temporary mobile back-up generation.<sup>637</sup> Going forward, SCE states it is exploring options to further expand its “resiliency zones,” which would provide electricity to centrally located community resources serving local customers during a pro-active de-energization. SCE explains it is currently targeting seven rural communities and as many as three sites per community, including a transfer switch to accommodate temporary backup generation that may be dispatched during the PSPS period of concern.<sup>638</sup>

In response to the SED Report, SDG&E states,

“As part of SDG&E’s overall wildfire safety and PSPS communication and outreach plan, addressing backup power with critical customers is a dynamic, ongoing dialogue which is renewed on an annual basis prior to fire season. SDG&E’s Account Executives work closely with their assigned accounts to assess their backup generation needs through meetings and conversations. For unassigned accounts, SDG&E used various tactics to reach critical facilities including mail, email and phone calls. The effort directs customers to a landing page where they were asked to update contact information and provide answers to the backup generation needs assessment.”<sup>639</sup>

SDG&E further states it “does not provide backup power to critical facilities in PSPS or other emergency events. Consistent with the Commission’s requirements, SDG&E meets with critical customers to discuss preparedness and

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<sup>637</sup> SCE September 2, 2020 Opening Comments at 24.

<sup>638</sup> SCE September 2, 2020 Opening Comments at 25.

<sup>639</sup> SDG&E September 2, 2020 Opening Comments at 23.

to encourage critical customers to secure the appropriate amount of backup power necessary to meet their own resiliency requirements.”<sup>640</sup>

### **9.11.3. Parties - Assess Needs of Critical Facilities and Infrastructure for Backup Generation**

Regarding PG&E, CforAT states more information is needed to understand how PG&E determined in 2019 which public safety partners to reach out to and whether those public safety partners included representatives from the Access and Functional Needs community. CforAT further states the only representative PG&E identified that it is working with on backup power is California Foundation for Independent Living Centers.<sup>641</sup>

City of San Jose states that during the PG&E October 9, 2019 de-energization, City of San Jose had to engage AT&T and T-Mobile to assist with energy needs and their ability to provide service to communication customers during the de-energization. City of San Jose concludes PG&E should have been working with both companies to resolve these electricity issues before shutting off power.<sup>642</sup>

Joint Local Governments state PG&E did not “meaningfully partner” with the critical facilities and infrastructure to assess their resiliency and determine if additional backup generation was necessary.<sup>643</sup> Joint Local Governments acknowledge PG&E’s improvement in this area in 2020, including a more hands-on approach to assessing the needs of critical facilities and infrastructure and increasing PG&E's temporary generation fleet in 2020 but also states that these

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<sup>640</sup> SDG&E September 2, 2020 Opening Comments at 23-24.

<sup>641</sup> CforAT October 16, 2020 Opening Comments at 22.

<sup>642</sup> City of San Jose October 16, 2020 Opening Comments at 6.

<sup>643</sup> Joint Local Governments October 16, 2020 Opening Comments at 15.

improvements do not absolve PG&E of its shortcomings in 2019.<sup>644</sup> In general, Joint Local Governments describe the results of all the utilities' failures in this area as follows:

“utilities cannot make a reasoned decision to shut off the power if they do not understand the potential consequences to the public of de-energization. But instead of doing the work to partner with critical facilities to assess resiliency and troubleshoot problems, the utilities hid behind a mantra of personal responsibility and self reliance.”<sup>645</sup>

Regarding SCE, Acton states “no dispute” should exist that SCE failed to meet this guideline.<sup>646</sup> Acton states that, going forward, it would expect SCE to adopt a more robust and reliable approach to ensure communication facilities can withstand upcoming 2020 PSPS events.<sup>647</sup>

Joint Local Governments state they were not aware of any efforts in 2019 by SCE to partner with critical facilities to assess their backup generation capabilities but knows that SCE has done a better job in 2020.<sup>648</sup> Joint Local Governments describes SCE's 2019 efforts as “pre-packaged informational presentations about general de-energization triggers and protocols [which] are not, under any circumstances, partnership or coordination with public safety partners. Advocating self-reliance and preparation is not partnership or coordination to assess resiliency and the need for backup power. Moreover, SCE

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<sup>644</sup> Joint Local Governments November 16, 2020 Reply Comments at 17-18.

<sup>645</sup> Joint Local Governments October 16, 2020 Opening Comments at 15.

<sup>646</sup> Acton October 16, 2020 Opening Comments at 12.

<sup>647</sup> Acton October 16, 2020 Opening Comments at 13.

<sup>648</sup> Joint Local Governments October 16, 2020 Opening Comments at 16; Joint Local Governments November 16, 2020 Reply Comments at 19.

often failed to follow up on requests for additional information, collaboration, or support made during its informational presentations.”<sup>649</sup>

#### **9.11.4. Discussion - Assess Needs of Critical Facilities and Infrastructure for Backup Generation**

A significant amount of confusion surrounded the extent of the utilities’ obligations regarding backup power for critical facilities and infrastructure in late 2019.

To review, in D.19-05-042, the Commission directed the utilities to assess, determine, and - importantly for purposes of this discussion - provide, if necessary, backup power to critical facilities and infrastructure. This 2019 directive was a departure from the prior Commission directive adopted in 2018 concerning backup power for these entities. Resolution ESRB-8 directed utilities to assess and determine backup power needs but made provision of backup power discretionary. While the provision of backup power by utilities was discretionary in Resolution ESRB-8, it was mandatory, under certain conditions, in D.19-05-042.<sup>650</sup> The Commission further modified this directive to provide backup power in 2020 explaining that the utilities must “work ... to provide consultative assistance regarding backup generation to ensure critical infrastructure is not brought offline during a de-energization event.”<sup>651</sup> In 2020,

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<sup>649</sup> Joint Local Governments November 16, 2020 Reply Comments at 18.

<sup>650</sup> D.19-05-042, Appendix A at A12, “The electric investor-owned utilities must help critical facility and critical infrastructure representatives assess the need for backup generation and determine whether additional equipment is needed, including *providing* generators to facilities or infrastructure that are not well prepared for a power shut off.” (Emphasis added.)

<sup>651</sup> D.20-05-051 at 76 and Appendix A at 7. In 2020, the Commission stated that the utilities are not responsible for providing or procuring backup generation for critical infrastructure but will “be available” to the “governing body” of these entities to “consult on procurement and deployment” of backup power. D.20-05-051 at 76-77.



the Commission removed the mandatory requirement to provide backup power but maintained the mandatory requirement to provide “consultative assistance.”

As a result of the Commission’s efforts to clarify and refine the obligations of utilities concerning backup power matters regarding critical facilities and infrastructure customers, some confusion resulted over the extent of the utilities’ obligations around assessing and providing backup power needs for critical facilities and infrastructure.

The Commission will seek to provide more guidance to stakeholders on this matter here but also directs stakeholders to R.18-12-005, a proceeding designed to review the PSPS Guidelines in more detail. Below we also make findings on the utilities’ compliance with the 2019 guidelines on backup power. First, we remind parties that all matters related to proactive power shutoffs are critical to safety. Therefore, the Commission urges parties to bring matters causing confusion to the Commission’s attention immediately for resolution. For example, if a Commission directive is creating confusion when stakeholders seek to implement the directive, a motion filed in R.18-12-005 (or its successor proceeding), seeking clarification or other process may be appropriate.

Second, we find persuasive the analysis of the SED Report and the comments of Joint Local Governments, Acton, and City of San Jose and find that the utilities, going forward, must provide more information to the Commission on their provision of backup power, generally, in a report, such as an annual report, filed with the Commission. The utilities must also provide information on mobile backup power in an annual report. Information of any specific backup power provided immediately before or during a PSPS event (mobile or otherwise), must be addressed in the 10-day post-event reports.

Third, we further find that the utilities should state their precise responsibilities in this annual report and address the responsibilities of the utilities versus critical facilities and infrastructure.

Based on the information in the SED Report and comments by parties regarding efforts - in advance of the 2019 fire season - that PG&E and SCE failed to adequately engage critical facilities and infrastructure about their need for backup power, we find PG&E and SCE failed to reasonably comply with this guideline in 2019, and, in doing so, PG&E and SCE failed to comply with the utility obligation to promote safety in Pub. Util. Code § 451. Based on the information in the record, we find SDG&E reasonably complied with this directive.

We acknowledge PG&E's and SCE's progress since 2019 to engage critical facilities and infrastructure customers regarding their backup power needs. However, we remain concerned that progress is not happening quickly enough. Therefore, we further find PG&E and SCE should immediately develop a program similar to SDG&E's program for assessing the needs of critical facilities and infrastructure for backup power. SDG&E's efforts to address backup power is more advanced. While we do not seek to specify each aspect of PG&E's and SCE's efforts to partner with critical facilities and infrastructure on backup power needs, we must see near-term improvements and accordingly direct PG&E and SCE to include in their backup power programs, at a minimum, the following aspects of SDG&E's program: (1) approach addressing backup power with critical facilities and infrastructure customers as a dynamic, ongoing dialogue which is renewed on an annual basis prior to fire season; (2) account executives, or other similar positions, must work closely with their assigned critical facilities and infrastructure accounts to assess their backup generation needs through

meetings and conversations; (3) for unassigned accounts, PG&E and SCE must use various tactics to reach critical facilities and infrastructure, including mail, email, and phone calls; (4) all efforts to communication with critical facilities and infrastructure customers must also direct these customers to a landing page on the utility website where customers are asked to update contact information and provide answers to a backup generation needs assessment; and (5) engage with critical facilities and infrastructure customers to discuss preparedness and encourage these customers to secure the appropriate amount of backup power necessary to meet their own resiliency requirements.

In addition, to reduce the confusion around whether the critical facilities and infrastructure customer or the utility is responsible for providing backup power generators for PSPS events, PG&E, SCE, and SDG&E must clearly convey to critical facilities and infrastructure customers in writing whether the utility is responsible for providing the backup power and the extent of such responsibility.

We also expect SDG&E will continue to improve and refine its partnership with critical facilities and infrastructure customers on backup power needs and direct SDG&E to share any improvements in its program with PG&E and SCE.

We adopt the corrective actions set forth below.

**9.11.5. Corrective Action - Assess Needs of Critical Facilities and Infrastructure for Backup Generation**

PG&E, SCE, and SDG&E shall clearly convey, in writing, to critical facilities and infrastructure customers whether or not the utility is responsible for providing the backup power (mobile or otherwise) before or during a de-energization to critical facilities and infrastructure and the extent of any responsibilities regarding such backup power.

PG&E and SCE shall immediately initiate plans to develop a program similar to SDG&E's program for assessing, deploying, and providing, to the

extent required by law, for the needs of critical facilities and infrastructure customers for backup power during a de-energization. The program should consider the components used by SDG&E identified herein. SDG&E shall share its backup power program with PG&E and SCE to assist the utilities in further developing their backup power programs.

PG&E, SCE, and SDG&E shall immediately initiate a collaborative effort, to be referred to as the Joint Utility PSPS Working Group, which shall include, at a minimum, a monthly joint utility meeting to share all lessons learned and all best practices pertaining to all aspects of the backup power program and share all feedback from critical facilities and infrastructure customer on how the utilities are assisting these customers to meet their backup power needs related to de-energizations. PG&E, SCE, and SDG&E shall comply with the reporting requirement herein pertaining to the Joint Utility PSPS Working Group.

PG&E, SCE, and SDG&E shall provide the following information on backup power (including mobile backup power) provided to critical facility and infrastructure customers in 10-day post-event reports with the name/email address of a utility contact for customers for each topic: (1) a description of the backup generators available for critical facility and infrastructure customers before and during the de-energization, (2) the capacity and estimated maximum duration of operation of the backup generators available for critical facility and infrastructure customers before and during the de-energization, (3) the total number of backup generators provided to critical facility and infrastructure before and during a de-energization, (4) how the utility deployed this backup generation to the critical facility and infrastructure customer's site before or during the de-energization, (5) explain how the utility prioritized the distribution of available backup generation to critical facility and infrastructure customers before and during the de-energization, and (6) identify the critical facility and infrastructure customers that received backup generation before and during the de-energization.

PG&E, SCE, and SDG&E shall maintain updated information on their websites regarding how critical facility and infrastructure customers may request an assessment of their backup power needs. PG&E, SCE, and SDG&E also shall maintain updated information on their websites regarding the availability of mobile backup generation for critical facility and infrastructure customers and how these customers can request the utility to provide mobile backup power. This information shall include, at a minimum, an email address to make requests

for information and all other relevant information. PG&E, SCE, and SDG&E shall promptly respond, within 24 hours, to all inquiries by critical facilities and infrastructure customers concerning backup power for use during a de-energization.

PG&E, SCE, and SDG&E shall file and serve an annual report in R.18-12-005 or a successor proceeding, which shall identify, among other things (1) actions taken to assess the overall backup power needs of critical facilities and infrastructure customers in advance of wildfire season, (2) the names of the critical facilities and infrastructure customers the utility engaged to assess backup power needs, the results of the utility assessment, and whether or not the critical facilities and infrastructure customer provided any needed backup power generation, and (3) actions taken to develop, implement, and improve utility partnerships with critical facilities and infrastructure customers on ongoing or evolving backup power needs. This customer information may be provided on a confidential basis, to the extent required by law. Further details of this annual report, including the date to be filed, shall be determined in R.18-12-005.

#### **9.12. Update Contacts of and Conduct Communication Exercises with Public Safety Partners**

In 2019, the PSPS Guidelines required utilities, in advance of wildfire season, to accomplish the following two tasks: update contacts of public safety partners and conduct communication exercises with public safety partners.<sup>652</sup> The Commission also noted, that more regular updates of contacts is encouraged "beyond the annual update required of the utilities."<sup>653</sup>

Below we review whether PG&E, SCE, and SDG&E reasonably complied with this guideline within the context of the utility obligation to promote safety set forth in Pub. Util. Code § 451.

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<sup>652</sup> D.19-05-042, Appendix A at A11.

<sup>653</sup> D.19-05-042, Appendix A at A11.

### **9.12.1. SED Report – Update Contacts of and Conduct Communication Exercises with Public Safety Partners**

The SED Report finds a lack of information in all reporting sources on PG&E's efforts to conduct communication exercises prior to the 2019 wildfire season to confirm PG&E's ability to rapidly disseminate information.<sup>654</sup> The SED Report concludes PG&E should have addressed this issue in its September 2019 Progress Report.<sup>655</sup> The SED Report does not address PG&E's compliance with the directive to update contacts for public safety partners.<sup>656</sup>

The SED report does not address SCE's or SDG&E's compliance with this guideline.

### **9.12.2. Utilities – Update Contacts of and Conduct Communication Exercises with Public Safety Partners**

In response to the SED Report, PG&E states it conducted communication exercises with public safety partners prior to the 2019 fire season, describing these exercises in vague terms as “internal exercises to test the notifications” and PG&E states it, furthermore, documented these communication exercises in a progress report filed in 2020 (the March 20, 2020 PSPS Phase 1 Progress Report) but not in any 2019 report.<sup>657</sup> Going forward, PG&E agrees to provide updates on this topic, if relevant.<sup>658</sup>

SCE states its conducted workshops and exercises to coordinate with public safety partners prior to the 2019 wildfire season but acknowledges it could

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<sup>654</sup> SED Report at 23.

<sup>655</sup> SED Report at 23.

<sup>656</sup> SED Report at 23.

<sup>657</sup> PG&E September 2, 2020 Opening Comments at 8-9.

<sup>658</sup> PG&E September 2, 2020 Opening Comments at 8-9.

improve coordination efforts going forward.<sup>659</sup> In 2020, SCE describes adopting certain improvements, stating, among other things, it implemented several measures to coordinate with all public safety partners.<sup>660</sup> SCE also explains that it began conducting PSPS “simulation” exercises in May 2020 to confirm that PSPS processes and procedures worked as expected.<sup>661</sup> Regarding updating contact information, SCE states it engaged in an effort to update all contact information with public safety partners before the 2019 fire season and continues to update this information whenever new contact information is provided.<sup>662</sup>

SDG&E states it “attributes great value to its relationships” with public safety partners within its service territory and maintains “robust contact lists, which it updates regularly.”<sup>663</sup> SDG&E states it updated all contact lists at least two months in advance of the 2019 wildfire season.<sup>664</sup> SDG&E also states it used a one-page flyer for public safety partners in 2019 which included three SDG&E points of contact for customers to use.<sup>665</sup> The flyer also provided instructions on how to update contact information if there are any changes throughout the wildfire season. Lastly, SDG&E states it conducted communication exercises in 2019 prior to wildfire season to confirm its ability to rapidly disseminate information.<sup>666</sup>

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<sup>659</sup> SCE September 2, 2020 Opening Comments at 7.

<sup>660</sup> SCE September 2, 2020 Opening Comments at 7.

<sup>661</sup> SCE September 2, 2020 Opening Comments at 22.

<sup>662</sup> SCE September 2, 2020 Opening Comments at 25.

<sup>663</sup> SDG&E September 2, 2020 Opening Comments at 7.

<sup>664</sup> SDG&E September 2, 2020 Opening Comments at 8.

<sup>665</sup> SDG&E September 2, 2020 Opening Comments at 8.

<sup>666</sup> SDG&E September 2, 2020 Opening Comments at 8.

### **9.12.3. Parties – Update Contacts of and Conduct Communication Exercises with Public Safety Partners**

Joint Local Governments state it was not aware that PG&E or SCE conducted communications exercises of any kind before the 2019 wildfire season.<sup>667</sup> However, in response to PG&E's claim that it conducted these exercises in 2019, Joint Local Governments note, while PG&E may have conducted "internal communication" exercises in 2019 with a sample of public safety partners, that level of outreach does not constitute reasonable or adequate event preparation for public safety partners.<sup>668</sup>

Acton states SCE did not conduct communication exercises prior to the 2019 wildfire season and, therefore, did not comply with this guideline. However, Acton does state SCE conducted a communication exercise in mid-2020.

### **9.12.4. Discussion – Update Contacts of and Conduct Communication Exercises with Public Safety Partners**

We agree with SDG&E, the utility's "relationships" with public safety partners are critical. SDG&E approaches overall communications efforts with public safety partners as an open continuous dialogue to facilitate a partnership of working together to ensure the goal of safety during a proactive de-energization. The Commission supports SDG&E's approach and directs PG&E and SCE to follow SDG&E's approach.

As SCE admits, it did not conduct communication exercises in 2019 with public safety partners, and PG&E's efforts, by its own descriptions, were insufficient. SDG&E provides valuable information, although more detail would

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<sup>667</sup> Joint Local Governments October 16, 2020 Opening Comments at 17.

<sup>668</sup> Joint Local Governments November 16, 2020 Reply Comments at 19-20.



be beneficial, regarding the framework and goals of its overall partnership with public safety partners, including updating contact lists and conducting communication exercises.

The SED Report provides little information regarding the utilities' compliance with the guideline, except for suggesting PG&E failed to provide sufficient information on communication exercises.

Parties provided more information. We find the arguments by parties persuasive that, in 2019, PG&E and SCE did not perform adequately in updating contact information or conducting communication exercises with public safety partners. PG&E and SCE offered no justifications for this failure and, from our perspective, none exist. To be clear, updated contact lists for public safety partners and conducting communication exercises with these customers in advance of wildfire season is fundamental to promoting safety during a PSPS event.

Accordingly, we find that, in advance of the 2019 wildfire season, PG&E and SCE failed to reasonably comply with the PSPS Guideline to update contact lists for public safety partners and conduct communication exercises with public safety partners, and, in failing to reasonably comply with this guideline, PG&E and SCE failed to comply with the directive to promote safety in Pub. Util. Code § 451. We find SDG&E reasonably complied with this directive.

We direct PG&E and SCE to take immediate steps to improve performance in these two critical areas consistent with, at a minimum SDG&E's program, including adopting a concept similar to SDG&E's "one-page flyer" to provide instructions to public safety partners on how to update contact information if changes occur during the wildfire season. Moreover, consistent with SDG&E's

practice, we further direct PG&E and SCE to update contact lists for public safety partners on an ongoing basis, not just once, before wildfire season.

To ensure all communications channels function appropriately during an actual de-energization, we also direct PG&E and SCE to perform, at a minimum, two communications exercises, similar to those conducted by SDG&E, prior to wildfire season. In addition, following these communications exercises, we direct PG&E, SCE, and SDG&E to identify and address all problems.

To improve transparency of future compliance by utilities with this guideline, we further direct PG&E, SCE, and SDG&E to address compliance with this guideline in an annual report. The annual report should specifically describe the process employed to update public safety partners contact lists and conduct communication exercises with public safety partners and share best practices at regularly scheduled joint meetings.

We adopt the corrective actions set forth below.

#### **9.12.5. Corrective Action - Update Contacts of and Conduct Communication Exercises with Public Safety Partners**

PG&E and SCE shall immediately initiate plans to develop a program similar to SDG&E's program to (1) update contact lists for public safety partners on an ongoing basis and (2) conduct, at a minimum two, communications exercises prior to the wildfire season. The program should consider the components used by SDG&E identified herein. SDG&E shall share its program to update list of public safety partners and conduct communication exercises with public safety partners in advance of wildfire season with PG&E and SCE to assist the utilities to improve their programs.

PG&E, SCE, and SDG&E shall immediately take actions to address any problems or deficiencies identified during a communication exercise with public safety partners so these problems or deficiencies are resolved before the wildfire season.

PG&E, SCE, and SDG&E shall immediately initiate a collaborative effort, to be referred to as the Joint Utility PSPS Working Group, which shall include, at a minimum, a monthly joint utility meeting to share all lessons learned and all best practices pertaining to all aspects of their programs to update lists of public safety partners and conduct communication exercises with public safety partners in advance of wildfire season. PG&E, SCE, and SDG&E shall comply with the reporting requirement herein pertaining to the Joint Utility PSPS Working Group.

#### **10. Adequacy of Utilities' 2019 PSPS 10-Day Post-Event Reports**

The Commission has previously addressed the critical importance of the timeliness and substance of 10-day post-event reports. For example, in 2019, the Commission stated it "views post-event reporting as a means of facilitating learning and improvement across utilities, state and local public safety agencies and local jurisdictions. Therefore, it is imperative that the utilities provide detailed and accurate information to the Commission..."<sup>669</sup>

We addressed, above, the lack of information and detail in the utilities' 10-day post-event reports in 2019 on risks and harms of de-energizations.<sup>670</sup> Taken as a whole, the extent to the deficiencies or complete absence of information provided by the utilities in response to some of the reporting requirements in the 10-day post-event reports, together with the difficulties experienced by parties and SED seeking to review these post-event reports, reinforces the need for the utilities to use a standardized form as a basis for

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<sup>669</sup> D.19-05-042 at 106.

<sup>670</sup> In comments on the proposed decision filed on May 10, 2021 at 6-9, PG&E argues that the Commission cannot find its reporting deficient because PG&E based its level of detail in its reports on format used by SDG&E in prior post-event reports. PG&E misinterprets the Commission's directive in D.19-05-042, which rather than stating that utilities should use SDG&E's report as a guide, stated that the utilities should use SDG&E's report as a starting point.

organizing and gauging the appropriate level of detail needed for the information required by the Commission in the 10-day post-event reports.

We first noted the need for such a standardized form in D.19-05-042, stating that “Safety and Enforcement Division should develop a post-de-energization event reporting template”<sup>671</sup> and, since 2019, SED has been working on this form. In addition, in D.19-05-042, we noted the need for public input on this template by directing the utilities to file Tier 3 advice letter seeking Commission approval of the template.

To expedite the development of such a standardized template and adopt a more straightforward process for public input, we direct the utilities to immediately initiate efforts to assist SED in developing a standardized template. We modify the process for public input set forth in D.19-05-042 (a Tier 3 advice letter) and instead direct SED to issue, within 30 days of the effective date of this decision, a proposed template in R.18-12-005 for consideration and comments by parties.

Upon receipt of comments by parties in R.18-12-005, SED may revise the template, and provide it to the Administrative Law Judge and Assigned Commissioner, who may issue the final template by ruling. Commission approval of the template, which serves to organize material already designated by the Commission as required in the 10-day post-event reports, is not needed. However, if circumstances change, the Commission may consider approving the template.

Lastly to assist stakeholders in accessing information pertaining to these post-event reports, we direct SED to establish a single webpage on the

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<sup>671</sup> D.19-05-042, Appendix A at A24-A25.

Commission's website to function as a central repository for all of the Commission's undertakings regarding the proactive power shutoffs, including 10-day post-event reports and comments to these reports so that stakeholders, including the general public, can easily access the different aspects of the Commission's review process of proactive power shutoff, such as identifying the division within the Commission undertaking a particular aspect of the review process and the subject matter of the review.

The corrective action we adopt is set forth below.

PG&E, SCE, and SDG&E shall immediately initiate efforts to assist the Commission's Safety and Enforcement Division in developing a standardized 10-day post-event reporting template. The Safety and Enforcement Division will issue this template for the purpose of receiving comments by parties in R.18-12-005 within 30 days of the effective date of this decision.

Below we address some of the remaining issues regarding the 10-day post-event reports and review whether in 2019 the utilities reasonably complied with the PSPS Guidelines regarding post-event reporting.

#### **10.1. Timely Submission: Report Must Be Submitted Within 10 Business Days of Power Restoration**

In 2019, the PSPS Guidelines required the utilities to submit a report "to the Director of the Commission's Safety and Enforcement Division within 10 business days of power restoration."<sup>672</sup>

The SED Report finds PG&E submitted some post-event reports late. According to the SED Report, PG&E's post-event report for its October 26-29, 2019 PSPS event was provided to SED on November 18, 2019, which is four days late or 14 business days after PG&E restored power on October 26, 2019. PG&E's

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<sup>672</sup> D.19-05-042, Appendix A at A22.

post-event report for its November 20-21, 2019 PSPS event was provided to SED on December 9, 2019, which is 12 business days after PG&E restored power on November 21, 2019. The SED Report states this report was two days late.<sup>673</sup> The SED Report does not address compliance by SCE or SDG&E.

In response to the SED Report, PG&E states it timely submitted the October 26-29, 2019 post-event report on November 18, 2019 because power was not fully restored to customers until November 1, 2019, and November 11, 2019 was a state holiday (not a business day). PG&E states it timely submitted the November 20-21, 2019 post-event report on December 9, 2019 because November 28, 2019 and November 29, 2019 were state holidays (not business days).<sup>674</sup>

SCE does not address this topic.

SDG&E states it timely submitted all of its 2019 post-event reports.<sup>675</sup>

Parties did not comment on this issue.

Based on the record of this proceeding, we find PG&E, SCE, and SDG&E timely submitted the 10-day post-event reports. While the SED Report finds PG&E submitted some reports late, we find PG&E complied with the deadline based on a counting of 10 business days, excluding days the Commission was closed for business.

Based the review of this guideline, however, we find that certain clarifications are warranted now to enhance the utility reporting on PSPS events in the future. First, we note the PSPS Guidelines do not specify a method of delivery utilities should use to provide the report to the SED Director. We clarify here that, in the

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<sup>673</sup> SED Report at 54.

<sup>674</sup> PG&E September 2, 2020 Opening Comments at 23.

<sup>675</sup> SDG&E September 2, 2020 Opening Comments at 14.

future, utilities must submit the 10-day post-event reports to the Director of SED via email. Second, we clarify that, should a utility require an extension of time to submit a post-event report, the utility must submit a request for extension under Rule 16.6 of the Commission's Rules of Practice and Procedure and concurrently serve this request via email on the SED Director. We adopt the corrective action below.

PG&E, SCE, and SDG&E shall serve, via email, the Commission's SED Director with the 10-day post-event reports and, should a utility require an extension of time to submit the post-event reports, the utility shall submit a request for an extension of time in compliance with the Commission's Rules of Practice and Procedure and concurrently serve this request via email on the Commission's SED Director.

### **10.2. Service of 10-Day Post-Event Report**

In 2019, the PSPS Guidelines included a number of directives concerning the service of the 10-day post-event reports, requiring the utilities to (1) “serve their [post-event] de-energization report on the service lists of this proceeding [R.18-12-005] and Rulemaking 18-10-007 or their successor proceedings;” (2) include in the service of the report a link to the report (which must appear on the utility’s website); (3) include in the service of the report information to advise the public how to submit comments on the report; (4) actively reach out to affected public safety partners and encourage comments on the report; and (5) send a copy of the report to lead affected local and county public safety partners.<sup>676</sup>

The SED Report does not address every element (set forth above) of the service/distribution requirements that applied to post-event reports in 2019. Regarding PG&E and SCE, the SED Report states PG&E and SCE did not

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<sup>676</sup> D.19-05-042, Appendix A at A22.

indicate in their 10-day post-event reports whether the utilities distributed the reports to lead local/county public safety agencies. However, the SED Report indicates that, in response to subsequent data requests by SED, PG&E and SCE provided copies of the 10-day post-event reports to affected counties. The SED Report concludes PG&E and SCE should document distribution to lead local/county public safety agencies in future 10-day post-event reports.<sup>677</sup> The SED Report does not address SDG&E's compliance with this guideline.

In response to the SED Report, PG&E states, in the future, it will provide documentation of distribution of 10-day post-event reports to lead/local county public safety agencies in all such reports.<sup>678</sup> SCE states it maintains internal records of the distribution of 10-day post-event reports to lead local public safety partners and will make this information available to the Commission, upon request.<sup>679</sup>

Parties did not comment on this issue.

The Commission must have accurate information to verify that the utilities provided their 10-day post-event reports to all affected public safety partners on a timely basis so that these public safety partners have the opportunity to offer comments on the report to the Commission. Therefore, to ensure the Commission is accurately apprised of the details of service of these 10-day post-event reports, we modify the PSPS Guidelines to require PG&E, SCE, and SDG&E to file these reports with the Commission in R.18-12-005 or a successor proceeding (in addition to submitting the Director of SED).

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<sup>677</sup> SED Report at 54.

<sup>678</sup> PG&E September 2, 2020 Opening Comments at 23.

<sup>679</sup> SCE September 2, 2020 Opening Comments at 55.



By adopting a formal filing requirement for these reports, the details pertaining to service of the report will necessarily need to conform with the service of documents filed with the Commission as set forth in the Commission's Rules of Practice and Procedure. The uniformity and clear expectations created by requiring filing and service of these reports will assist the Commission and parties in understanding the extent to which the utilities made these reports publicly available. The filing requirement will also enable the public to more readily access these reports, as the reports will all be available on the Commission's website on the *Docket Card* of this proceeding. We also modify the PSPS Guidelines to require parties to file comments to the reports in R.18-12-005 or a successor proceeding.

We adopt the corrective actions below.

PG&E, SCE, and SDG&E shall file the 10-day post-event reports in R.18-12-005 (or successor proceeding). Parties must also file their comments in response to the 10-day post-event reports in R.18-12-005 (or successor proceeding). The general public may submit comments informally via the Commission's website.

PG&E, SCE, and SDG&E shall serve on the same day as filed with the Commission the 10-day post-event reports as follows: (1) serve the report, as an attachment, via email on the service lists of R.18-12-005 and R.18-10-007 (or the successor proceedings) and all lead affected local and county public safety partners; (2) when serving the 10-day post-event report, include in the email a link to report on utility's website in the email; (3) when serving the report, include in the email instructions for how the public may submit comments to the Commission on the report; and (4) immediately after service of the 10-day post-event reports, reach out to all affected public safety partners, via email, phone calls, and any other methods, to encourage affected public safety partners to file comments on the report.

### 10.3. Reporting Requirements of Resolution ESRB-8

In 2019, some of the then-applicable reporting requirements had been adopted by the Commission in Resolution ESRB-8 (July 12, 2018). These requirements directed the utilities to, in their 10-day post-event reports:

- (1) identify who the utility contacted in the community prior to de-energization and whether the affected areas are classified as Tier 1,<sup>680</sup> Tier 2, or Tier 3 per the definition in General Order 95, Rule 21.2-D22;
- (2) explain why notice could not be provided at least 2 hours prior to a de-energization event if such notice was not given;
- (3) identify the number of and a summary of the complaints received as a result of the de-energization events, including any claims filed against the utility because of de-energization;
- (4) provide a detailed description of the steps the utility used to restore power; and
- (5) address and describe each community assistance location during a de-energization event.<sup>681</sup>

The SED Report reviews some, but not all, of the above-noted reporting requirements set forth in Resolution ESRB-8. The SED Report reviews the number of complaints received by PG&E in response to the 2019 PSPS events and finds it surprising that the number of complaints reported by PG&E is relatively low, especially due to the widespread impact of PG&E's 2019 PSPS events. To further understand why the number of reported complaints was relatively low, SED issued a data request and, in response, PG&E explained that it only reports certain types of "complaints" by customers, stating "[a]ny customer issue where

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<sup>680</sup> Resolution ESRB-8 (July 12, 2018) at 5 refers to "Zone 1," but that reference should be to "Tier 1."

<sup>681</sup> D.19-05-042 at 9, citing to Resolution ESRB-8 (July 12, 2018) at 5.

a customer contacts another line of business or our customer service Contact Center Operations is an 'inquiry' [not a complaint]."<sup>682</sup> The SED Report concludes PG&E's counting and reporting method for complaints raises concerns and suggests the actual number of complaints made by customers (regardless of the form) is not accurately reflected in PG&E's post-event reports because many complaints may be missing. The SED Report concludes, due to the inadequacy of PG&E's reporting, that some manner of additional data collection would be required to verify the number of complaints made by customers.<sup>683</sup>

In response to the SED Report, SCE states it received 35 complaints from its October 2019 PSPS events. Acton disagrees with this number, claiming that just the residents of Acton and Agua Dulce submitted more than 50 complaints to SCE about the October 2019 PSPS events. To further understand this apparent discrepancy, SED issued a data request, but, in its response, SCE did not explain how SCE reports, counts, identifies, or tracks complaints for purposes of PSPS events. The SED Report concludes that without additional data collection, it is unclear whether SCE accurately determined the reported number of complaints.<sup>684</sup>

SDG&E's response to an SED data request regarding how SDG&E determines the figures for complaints in its post-event reports does not address how SDG&E identifies or tracks customer complaints for purposes of PSPS events. Again, the SED Report concludes that without additional data collection,

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<sup>682</sup> SED Report at 61, citing to PG&E Response to SED-001, Question 35 Attachment, dated March 24, 2020.

<sup>683</sup> SED Report at 61-62.

<sup>684</sup> SED Report at 62.

it is unclear whether SDG&E accurately determined the reported number of complaints.<sup>685</sup> The SED Report also focuses on SDG&E's compliance with another element of the reporting requirements of Resolution ESRB-8, the required explanation for why notice was not provided according to the Commission's requirement that notice be provided at least two hours prior to de-energization. According to the SED Report, SDG&E did not notify 495 customers at least two hours prior to its October 20, 2019 PSPS event and between October 28 - November 1, 2019, SDG&E did not provide 2-hour advance notice to 1,412 customers. The SED Report concludes SDG&E should have explained in its post-event reports why timely notice was not provided.<sup>686</sup>

PG&E states that it "tracks regulatory complaints based on utility industry standards for reporting and benchmarking consistent with longstanding practices created in cooperation with the Commission's Consumer Affairs Branch."<sup>687</sup> In response to suggestions by parties (detailed below) that under-reporting of complaints occurred in 2019, PG&E disagrees but is open to future proposals to address this issue in another proceeding.<sup>688</sup>

SCE states it only tracks and includes formal complaints to its Consumer Affairs department or the Commission and "does not include grievances aired at community meetings or in calls to customer service related to PSPS events as

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<sup>685</sup> SED Report at 62.

<sup>686</sup> SED Report at 44.

<sup>687</sup> PG&E September 2, 2020 Opening Comments at 25.

<sup>688</sup> PG&E November 16, 2020 Reply Comments at 32-33.

formal complaints.” SCE states it does not have formal record of the 50 complaints described by Acton.<sup>689</sup>

SDG&E states that customer complaints and claims are generally received by SDG&E’s customer contact center and are tracked internally to be used for PSPS post-event reporting.<sup>690</sup> SDG&E further clarified that its only reports complaints when the resolution or explanation offered by SDG&E is deemed insufficient or notation is specifically requested by the customer.<sup>691</sup> Regarding its reporting on failures to timely notice customers, SDG&E provides further information, stating that due to dynamic weather conditions, it was unable to provide notifications according to the guidelines.<sup>692</sup>

Acton suggests that the term “complaints” as used by the Commission in this context should be clarified, stating that the Commission in Resolution ESRB-8 does not dictate the manner in which claims must be received to be counted as complaints for purposes of reporting requirements for PSPS events. Acton concludes that, since SCE failed to report all the complaints and claims it received during the 2019 PSPS events, SCE did not comply with ESRB-8 requirements. Acton is not satisfied that SCE’s messaging regarding PSPS events only provides SCE’s general customer service number and does not include how the public may contact SCE’s “Consumer Affairs Department” with complaints about PSPS events. Acton further states SCE should more broadly track, record, and report complaints regarding PSPS events raised by customers at community

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<sup>689</sup> SCE September 2, 2020 Opening Comments at 67.

<sup>690</sup> SED Report at 44.

<sup>691</sup> SDG&E Opening Comments on the Proposed Decision at 5-6.

<sup>692</sup> SDG&E September 2, 2020 Opening Comments at 28.

meetings, through SCE's website, and by SCE's general customer service number.<sup>693</sup>

Mussey Grade states the number of complaints reported by PG&E is much lower than the numbers reported by SDG&E and SCE (with SCE's much lower than SDG&E's). Mussey Grade suggests that, because PG&E's conduct during the 2019 PSPS events was significantly worse than the other utilities, the fact that these numbers do not reflect the relative mismanagement of PSPS events by the three utilities may reflect systemic problems in reporting of complaints and barriers making it difficult for customers to submit complaints. Mussey Grade concludes that PG&E and SCE suppressed complaints or under-reported them and recommends the Commission require utilities to report customer complaints that the utilities receive via phone calls regarding all PSPS problems and direct the utilities to survey customer satisfaction after PSPS to solicit feedback.<sup>694</sup> Mussey Grade also recommends the Commission examine the complaints and claims process at all of the major utilities to determine the root cause of irregularities in claims reporting.<sup>695</sup>

In reviewing the utilities' compliance with the Resolution ESRB-8 reporting requirements, we are concerned the utilities may have under-reported complaints received pertaining to their 2019 PSPS events. A number of parties raised possible inconsistency between the actual problems experienced by customers during the 2019 PSPS events and the relatively small number of complaints reported. While PG&E explains its numbers are accurate and it used

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<sup>693</sup> Acton October 16, 2020 Opening Comments at 31.

<sup>694</sup> Mussey Grade October 16, 2020 Opening Comments at 13-15.

<sup>695</sup> Mussey Grade November 16, 2020 Reply Comments at 6.

“utility industry standards” in defining and reporting complaints, SCE seems to take a different approach and explains it only reported, a subset of customer complaints, *i.e.*, “formal” complaints. SDG&E appears to report complaints more broadly but it remains unclear how SDG&E defines the word complaint for PSPS reporting purposes.

For these reasons, we find that a significant amount of inconsistency existed in 2019 on how the utilities defined and reported complaints for purposes of PSPS events and, as a result, parties had difficulty understanding the significance, if any, of these numbers. As parties made clear, no correlation existed between their actual experiences in 2019 and the number of complaints reported by the utilities in 2019. The SED Report confirms more clarity on the definition of complaints in this context would be helpful, in addition to clearer tracking and reporting requirements for complaints.

As such, we further find our guidelines in 2019 lacked sufficient clarity around the word “complaint,” which resulted in confusion over the extent of the reporting requirement and the purpose of the data. The Commission first adopted this reporting requirement in Resolution ESRB-8 and did not modify it in D.19-05-042. The Commission stated in Resolution ESRB-8 that, “The IOU shall summarize the number and nature of complaints received as the result of the de-energization event and include claims that are filed against the IOU because of de-energization.”<sup>696</sup>

Going forward, we clarify the word “complaints” as used in the above reporting requirement set forth in Resolution ESRB-8 and, in addition, we add structure to the framework used by utilities to track complaints so future reviews

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<sup>696</sup> Resolution ESRB-8 (July 12, 2018) at 5.

of utility complaint data by parties and the Commission is more efficient and transparent.

First, we clarify that “complaints,” as used in the context of utility reporting in 10-day post-event reports, means an “expression of grief, pain, or dissatisfaction,” which is the common meaning of the word found in *Merriam-Webster*. We direct utilities to report all complaints that fall within this common usage definition. In addition, we direct utilities to report any formal filings, such as court claims or Commission complaints. The Commission may further refine this definition in R.18-12-005 or any other proceeding.

Second, we find that the utilities must establish an internal tracking process for these complaints so that SED is able to access this data and confirm the utilities are accurately presenting the number of complaints received regarding PSPS events. The utilities are directed to collaborate with SED and to incorporate SED’s input to ensure the tracking system is consistent with SED’s expectations and directives.

Lastly, we adopt clarifications to our existing guidelines (previously set forth in Resolution ESRB-8) for the 10-day post-event reports.

We make no finding on the reasonableness of the utilities’ compliance with this reporting requirement because the guideline lacked sufficient clarity in 2019.

We adopt the following corrective actions.

(1) PG&E, SCE, and SDG&E shall address, among other things, each element of Resolution ESRB-8 reporting requirements, as clarified herein, in the 10-day post-event reports, including, the below and, if no information is available, PG&E, SCE, and SDG&E shall respond to these Resolution ESRB-8 reporting requirements by indicating the reason this information is not available. PG&E, SCE, and SDG&E shall collaborate with SED and incorporate SED’s input to develop a tracking system for complaints, as defined below, consistent with SED’s directives so that SED is able to access this data and confirm



the utilities are accurately presenting the number of complaints received regarding PSPS events. PG&E, SCE, and SDG&E shall, among other things, in 10-day post-event reports: (1) identify who the utility contacted in the community prior to de-energization and whether the affected areas are classified as High Fire Threat District Tier 1, Tier 2, or Tier 3 (as defined in General Order 95, Rule 21.2-D22);

(2) explain why notice could not be provided at least two hours prior to a de-energization, if such notice was not provided;

(3) identify the number of and a summary of the complaints, meaning any expression of grief, pain, or dissatisfaction, formally filed court claims, informal or formally filed Commission complaints, and all complaints received by the utility as a result of the PSPS event;

(4) provide a detailed description of the steps the utility used to restore power; and

(5) address and describe each community assistance location during a de-energization event.<sup>697</sup>

PG&E, SCE, and SDG&E shall provide aggregate data, as identified above, in an annual report, including aggregate data that may not have been available at the time the utility filed the 10-day post-event report.

#### **10.4. Identify Decision Criteria Resulting in Proactive De-energization, Including Alternatives Considered and Fire Mitigation Measures Used**

This topic, including the sufficiency of the utility reporting on this topic, is addressed at Sections 7.1 and 7.2, herein.

#### **10.5. Provide Copies of All Notices, Timing, Method of Publication, and Identify Initiator of Notice**

This topic is addressed at Section 8.1, herein.

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<sup>697</sup> D.19-05-042 at 9, citing to Resolution ESRB-8 (July 12, 2018) at 5.

**10.6. Address Failures to Provide Advanced Notice**

This topic is addressed at Section 8.1 herein.

**10.7. Address Engagement with Affected Local Jurisdiction & Public Safety Partners Before and During De-Energization**

This topic is addressed at Sections 8.2-8.7, 9.1, 9.9, 9.10 and 9.12, herein.

**10.8. Number of Affected Customers**

In 2019, the PSPS Guidelines established by ESRB-8 required the utilities to provide "the number of affected customers, broken down by residential, Medical Baseline, commercial/industrial, and other."<sup>698</sup>

The SED Report does not address PG&E's compliance with this topic.

The SED Report finds that in SCE's post-event reports for its October 26, 2019 and November 4, 2019 PSPS events, SCE did not include the number of affected customers or a breakdown of affected customers by classification. Appendix C for the November 4, 2019 PSPS event had extremely small, blurred text, making it unreadable. The SED Report concludes that SCE should, in each post-event report, summarize the total number of affected customers and provide a breakdown of the required customer categories. SCE should also ensure that its documentation is legible.<sup>699</sup>

The SED Report finds that in SDG&E's post-event report for its October 20, 2019 PSPS event, SDG&E did not include a breakdown of the number of affected customers for one circuit or device. In response to a SED data request, SDG&E provided a breakdown of the affected customers.<sup>700</sup>

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<sup>698</sup> Resolution ESRB-8 (July 12, 2018) at 3.

<sup>699</sup> SED Report at 63.

<sup>700</sup> SED Report at 63.

SCE disagrees with the findings in the SED Report and states that it provided the number of impacted customers, broken down by category, in Attachment C of its post-event reports for the October 26, 2019 and November 4, 2019 PSPS events. SCE admits that some of the attachments included in the 2019 post-event reports were small and hard to read, but SCE states it has improved this.<sup>701</sup>

SDG&E states it inadvertently did not include the missing information for one circuit/device but provided it to SED upon request.<sup>702</sup>

Acton states that SCE's post-event reports do not clearly provide the number of affected customers.<sup>703</sup> Acton states SCE should include further information regarding the total number of customers that were affected by each event.<sup>704</sup>

We address the topic of the number of customers affected by the power shut offs in Section 8.1, regarding notification. We do not duplicate our discussion here. We do find, however, that the utilities should provide additional information regarding this reporting requirement in future 10-day post-event reports. To the extent a utility needs additional guidance on the type or amount of information required to be provided in response to this reporting requirement, the utility is directed to seek guidance from SED.

We adopt the corrective action below.

PG&E, SCE, and SDG&E shall contact SED if the utility requires additional guidance to ensure adequate reporting on the number of

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<sup>701</sup> SCE September 2, 2020 Opening Comments at 65.

<sup>702</sup> SDG&E September 2, 2020 Opening Comments at 31.

<sup>703</sup> Acton October 16, 2020 Opening Comments at 23.

<sup>704</sup> Acton October 16, 2020 Opening Comments at 31.

customers affected by the power shut offs in the 10-day post-event reports.

### **10.9. Description of Customers Notified**

In 2019, the PSPS Guidelines required utilities in the 10-day post-event reports to provide information about customers where positive or affirmative notification was attempted, including: "an accounting of the customers (which tariff and/or access and functional needs population designation), the number of notification attempts made, the timing of attempts, who made the attempt (utility or public safety partner) and the number of customers for whom positive notification was achieved."<sup>705</sup>

Regarding the notification of Medical Baseline customers, PG&E mentions in its October 23, 2019 post-event report that if confirmation of notice is not received, PG&E visits the customer for a "door knock." If the customer does not answer, PG&E states that a door hanger is left at the home. PG&E considered this a successful notification. The SED Report finds that regarding affirmative notification to Medical Baseline customers, PG&E must accurately report its notifications, or lack thereof, to the Commission and impacted entities.<sup>706</sup>

PG&E states that it welcomes input on the approaches for reporting, but a more consistent format for the post-event reports should be considered in a different phase of the PSPS Rulemaking R.18-12-005.<sup>707</sup>

SCE states that it complied with this requirement, as it provided details in its post-event reports about its notification attempts to Critical Care customers.

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<sup>705</sup> D.19-05-042, Appendix A at A23.

<sup>706</sup> SED Report at 66-67.

<sup>707</sup> PG&E September 2, 2020 Opening Comments at 27.

SCE states that it also included the steps taken when notifications to these customers were identified as undelivered. In 2020, SCE will continue to track Critical Care customer notification attempts and conduct field visits if necessary when notifications are undelivered.<sup>708</sup>

SGE&E states that it complied with the requirement to provide information about customers where positive or affirmative notification was attempted, as well as an accounting of the customers, the notification attempts made, the timing of attempts, who made the notifications, and the number of customers where positive notification was made.<sup>709</sup> SDG&E states that it tracks contact with Medical Baseline customers from initial call to successful contact. If an outbound call was not successful through SDG&E's notification system, a live representative will call the customer. If no connection is made, SDG&E will provide door knocks and leave a door hanger if necessary.<sup>710</sup>

CforAT states SCE failed to provide confirmed notice of shutoff events to all of its impacted Medical Baseline customers, and only confirmed notice to a subset of this group.<sup>711</sup>

City of San Jose has concerns regarding PG&E's consideration that leaving a door hanger is a successful notification, and states that it deployed employees to perform door knocks during the October 9, 2019 and October 23, 2019 PSPS events.<sup>712</sup>

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<sup>708</sup> SCE September 2, 2020 Opening Comments at 58.

<sup>709</sup> SDG&E September 2, 2020 Opening Comments at 14.

<sup>710</sup> SDG&E November 16, 2020 Reply Comments at 12.

<sup>711</sup> CforAT October 16, 2020 Opening Comments at 18-19.

<sup>712</sup> City of San Jose October 16, 2020 Opening Comments at 15.

Other parties raise concerns addressed on in Section 8.1 of this decision.

We addressed the topic of notification in Section 8.1 of this decision and in that section, we also addressed the adequacy of the reporting.

#### **10.10. Impact of Sectionalization**

In 2019, the PSPS Guidelines required the utilities to include, in the 10-day post-event reports, “A description of how sectionalization, i.e., separating loads within a circuit, was considered and implemented and the extent to which it impacted the size and scope of the de-energization event.”<sup>713</sup>

The SED Report did not comment on this topic.

PG&E states that sectionalizing was implemented to the extent possible but does not present it as an alternative to de-energization.<sup>714</sup> PG&E further states that recommendations for changes to post-event reporting should be addressed in R.18-12-005.<sup>715</sup>

SCE states that although it was not consistently described with detail in its post-event reports, SCE used sectionalization during the late 2019 PSPS events to minimize the number of customers de-energized. SCE states that in 2020, it will ensure that post-event reports clearly document the extent to which sectionalization was considered and implemented.<sup>716</sup>

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<sup>713</sup> D.19-05-042, Appendix A at A23.

<sup>714</sup> PG&E November 16, 2020 Reply Comments at 27.

<sup>715</sup> PG&E November 16, 2020 Reply Comments at 28.

<sup>716</sup> SCE September 2, 2020 Opening Comments at 59.

SDG&E states that its 2019 post-event reports included a description of how sectionalization was considered and implemented and the extent to which it impacted the size and scope of the PSPS events.<sup>717</sup>

Acton states SCE's post-event reports fail to explain how sectionalization was considered and do not discuss the extent to which sectionalization efforts impacted the size and scope of the PSPS events.<sup>718</sup> Acton recommends that in future post-event reports, SCE should explain how sectionalization was considered and the extent to which it reduced the size and scope of the PSPS events.<sup>719</sup>

Mussey Grade states that the sectionalization information provided by the utilities in their 2019 post-event reporting was of limited value. Mussey Grade recommends that the utilities provide predicted and measured wind speeds at the circuit level to determine if sectionalization is adequate.<sup>720</sup>

Based on the record of this proceeding, we find that all three utilities should improve their explanation in the post-event reports of how sectionalization was considered and how it used sectionalization to limit the scope of the power shutoff.

PG&E, SCE, and SDG&E shall clearly document, as required by D.19-05-042, the extent to which sectionalization was considered and implemented in the 10-day post-event reports and how sectionalization was used to limit the scope of a de-energization. PG&E, SCE, and SDG&E shall contact SED if the utility requires

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<sup>717</sup> SDG&E September 2, 2020 Opening Comments at 14.

<sup>718</sup> Acton October 16, 2020 Opening Comments at 23.

<sup>719</sup> Acton October 16, 2020 Opening Comments at 32.

<sup>720</sup> Mussey Grade October 16, 2020 Opening Comments at 10.

additional guidance to ensure adequate reporting on this requirement in the 10-day post-event reports.

**10.11. Explanation of How the Utility Determined that the Benefit of De-energization Outweighed Potential Public Safety Risks**

This topic is addressed at Section 7.1., herein.

**10.12. Timeline and Steps Taken for Power Restoration**

In 2019, the PSPS Guidelines required utilities to include in the 10-day post-event reports, “The timeline for power restoration (re-energization,) in addition to the steps taken to restore power as required in Resolution ESRB-8.”<sup>721</sup>

The SED Report finds that SCE provided inconsistent restoration times across post-event reports. In addition, restoration notification was missing for three of SCE's PSPS events.<sup>722</sup> The SED Report does not address SDG&E's compliance with this reporting requirement.

PG&E does not address this topic in its comments.

SCE states that it provided re-energization notifications to all customers except for one event. SCE included copies of the notifications in its post-event reports and has updated its processes to ensure that notice is consistently provided.<sup>723</sup> SCE does not address whether it included its own timeline for power restoration in the post-event reports and steps taken to restore power.

SDG&E states that its 2019 post-event reports included the timeline for power restoration in addition to the steps taken to restore power.<sup>724</sup>

No parties commented on this topic.

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<sup>721</sup> D.19-05-042, Appendix A at A24.

<sup>722</sup> SED Report at 58-60.

<sup>723</sup> SCE September 2, 2020 Opening Comments at 60-61.

<sup>724</sup> SDG&E September 2, 2020 Opening Comments at 14.



Based on the record of this proceeding, we direct PG&E, SCE, and SDG&E to respond to this aspect of the post-event reports in the future by including their timeline for power restoration and steps taken to restore power. The utilities are directed to contact SED if more guidance on the required information in the post-event reports is needed. We adopt the corrective action below.

PG&E, SCE, and SDG&E shall contact SED if the utility requires additional guidance to ensure adequate reporting on the requirement to provide a timeline and steps taken to restore power in the 10-day post-event reports.

#### **10.13. Lessons Learned**

In 2019, the PSPS Guidelines required the utilities' post-event reports to include: "lessons learned from each de-energization event, including instances when de-energization protocols are initiated, but de-energization does not occur, in order to further refine de-energization practices."<sup>725</sup>

The SED Report finds PG&E should include its lessons learned in its post-event reports. While PG&E states in several post-event reports the cause of damage to some of its facilities could not be identified, the SED Report suggests additional information, as available for the 10-day post-event reports should include the cause of any equipment the failures and use lessons learned to prevent other similar failures.<sup>726</sup>

The SED Report finds SDG&E should consider additional lessons learned, such as specific improvements in thresholds to de-energize and improvements to its vegetation management operations or maintenance of its electric facilities. For example, the SED Report suggests SDG&E could review its criteria for high wind

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<sup>725</sup> D.19-05-042, Appendix A at A24.

<sup>726</sup> SED Report at 64.

events and high wildfire risk after every event to identify any opportunities for reducing the scope of future PSPS events.<sup>727</sup>

The SED Report does not address SCE's compliance with this reporting guideline.

PG&E states that the reporting of lessons learned in the post-event reports should be considered in R.18-12-005 but agrees that it is imperative to investigate all damages discovered from a PSPS event, including damages not associated with wind or vegetation hazards. PG&E states it anticipates being able to attribute a cause to all damages going forward.<sup>728</sup>

SDG&E states that many teams across SDG&E compile lessons learned to identify and integrate specific improvements to PSPS operations to minimize the impact of future events.<sup>729</sup>

SCE does not address this topic.

Although the SED Report did not identify any issues with SCE's lessons learned reporting, Acton noted that SCE's lessons learned did not discuss the PSPS events SCE initiated without proper notice.<sup>730</sup>

Joint Local Governments agree with the SED Report that PG&E should include its de-energization threshold analyses in its lessons learned reporting and examine whether its thresholds are adequate and correctly applied in all de-energized areas.<sup>731</sup>

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<sup>727</sup> SED Report at 65.

<sup>728</sup> PG&E September 2, 2020 Opening Comments at 25.

<sup>729</sup> SDG&E September 2, 2020 Opening Comments at 31.

<sup>730</sup> Acton October 16, 2020 Opening Comments at 19.

<sup>731</sup> Joint Local Governments October 16, 2020 Opening Comments at 33.

Mussey Grade states that the lessons learned presented by the utilities in the 2019 reports was, generally, inadequate and did not show a serious effort to collect information that would minimize the impact of future events.<sup>732</sup> PG&E does not agree that the lessons learned sections were inadequate, but nevertheless states it is continuously improving its PSPS reporting and would not object to consideration of Mussey Grade's suggestions in the next phase of the PSPS rulemaking.<sup>733</sup>

Overall, the Commission's agrees with the general conclusion of the parties and of the SED Report that the utilities did not show a serious effort, in their post-event reports, to collect information to minimize the future impact of PSPS events.<sup>734</sup> The utilities generally agree that improvements in reporting are possible and that they will work toward improvements in future reports. Based on the record in this proceeding, we find that the reporting included in the 10-day post-event reports should be improved and that PG&E, SCE, and SDG&E failed to reasonably comply with the reporting requirements applicable to the 10-day post-event reports.

We adopt the corrective action below.

PG&E, SCE, and SDG&E shall include, in the 10-day post-event report, a description of the de-energization threshold analyses, as part of its lessons learned reporting, and the results of the utility's examination of whether its thresholds are adequate and correctly applied in the de-energized areas.

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<sup>732</sup> Mussey Grade October 16, 2020 Opening Comments at 8.

<sup>733</sup> PG&E November 16, 2020 Reply Comments at 33.

<sup>734</sup> Mussey Grade October 16, 2020 Opening Comments at 8.

## **11. Comments on Proposed Decision**

The proposed decision of ALJ Regina DeAngelis 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. On May 11, 2021, respondents, PG&E, SCE, and SDG&E, and the following parties filed opening comments on the proposed decision: Acton, AT&T, CSAC, CforAT, CUE, Joint CCAs, Joint Local Governments, Mussey Grade, Cal Advocates, SBUA, TURN, and UCAN. On May 17, 2021, respondents, PG&E, SCE, and SDG&E, and the following parties filed reply comments: Acton, AT&T, CLECA, CSAC, CforAT, CUE, EPUC, Joint Local Governments, Mussey Grade, Cal Advocates, SBUA, TURN, and UCAN. The proposed decision has been modified in response to these comments to the extent required by law. On April 23, 2021, Acton filed a motion seeking the Commission to take official notice of certain documents issued by the Commission. The documents referred to by the April 23, 2021 motion by Acton are readily accessible to be public and, therefore, denied.

## **12. Assignment of Proceeding**

Marybel Batjer is the assigned Commissioner and Regina DeAngelis is the assigned Administrative Law Judge in this proceeding.

### **Findings of Fact**

1. PG&E's and SCE's argument that they lacked sufficient time to prepare for the PSPS events of 2019 are unpersuasive because, since 2009, the Commission had in place a framework to assist utilities in preparing for these proactive power shutoffs.
2. In 2019, the utilities largely (1) failed to identify the possible safety risks resulting from an electric power shutoff – including obvious risks to school

children, those medically dependent on electricity, as well as businesses and (2) failed to evaluate these safety risks as part of the analysis of weighing the benefits and risks/harms before deciding whether to shut off electric power to mitigate the potential for wildfire caused by utility infrastructure.

3. In 2019, the utilities focused on the risks and harms related to wildfire caused by utility infrastructure, which, while critical, was only part of the necessary analysis.

4. In the absence of adequate reporting of how the utilities relied upon proactive de-energization as a mitigation measure of last resort and the alternatives considered, the utilities cannot assure the Commission or the public that the utilities are acting in a manner that promotes the safety of the public.

5. Based on the post-event reports submitted for the 2019 PSPS events, neither the Commission nor parties were adequately apprised of the utility decision-making process related to the last resort analysis and, as a result, customers, governments, businesses, and vulnerable populations were left uninformed and angry.

6. In any particular situation, additional content or more frequent notice may have been reasonable in 2019 to comply with the PSPS Guidelines and the utility obligation under Pub. Util. Code § 451 to promote the public safety.

7. Certain notice guidelines would benefit from clarification or minor modifications and are made in this decision based on the record and the problems that occurred in 2019.

8. The guidelines should be modified, to the extent necessary, to direct the utilities to provide customer information to cities, in addition to all other required entities.

9. SED and parties encountered problems when analyzing the utilities' data demonstrating compliance with the notice guidelines, which, as described by SED, consisted of an "unorganized mass of data," and utilities should take steps to organize and present the data for analysis in a more accessible manner.

10. Functional websites with, among other things, regularly updated information before, during, and after a de-energization with up-to-date map boundaries of the de-energized area accessible to all customers, including those with impairments or disabilities and in various languages, were and remain critical to effectively communicating with all types of customers to promote safety.

11. Both PG&E and SCE, to various degrees, provided non-functional websites, an inadequate diversity of languages, inadequate accommodations for the access needs of customers with disabilities, inaccurate or no map boundaries, and untimely updates to relevant and required information on their websites, with PG&E's website failing on October 9, 2019.

12. In-language communications regarding PSPS events is basic to promoting safety under Pub. Util. Code § 451.

13. Neither the SED Report nor parties raise website issues in 2019 regarding SDG&E.

14. PG&E's and SCE's information-sharing problems hindered the ability of governments to plan and respond to the pro-active de-energizations.

15. SCE admits it must provide more targeted information based on circuit-specific activity so that public safety partners get relevant information based on their locations.

16. While the SED Report provides somewhat conflicting conclusions on SDG&E's compliance in 2019 with the guideline to provide consistent, accurate,

relevant, and timely information to public safety partners before, during, and after a pro-active de-energization, no party raises issues regarding SDG&E.

17. PG&E made little (or no) effort to share best practices with utilities in 2019 and makes no commitments to engage in the sharing of best practices going forward.

18. SCE commits, on a going forward basis, to work with the other utilities but makes no mention of such efforts in 2019.

19. SDG&E appears to state it engaged in efforts to share best practices with other utilities in 2019, provides no examples of such efforts, and states it will continue to engage in such efforts to share best practices with the other utilities in the future.

20. The efforts by utilities to share best practices demonstrate a lack of initiative to promote safety and are wholly insufficient. As the Commission recognized in D.19-05-042, only by working together and sharing best practices will utilities be able to ensure all Californians receive the safest service before, during, and after a proactive de-energization.

21. PG&E created barriers to seamless communications and significant confusion by requiring non-disclosure agreements during a 2019 PSPS event and, while PG&E states it contacted many local jurisdictions in advance of the late 2019 PSPS events, PG&E did not contact enough.

22. PG&E did not act to secure all the necessary non-disclosure agreements before the 2019 PSPS events.

23. PG&E admits it did not use SEMS as a resource to prepare for 2019.

24. SCE's customers experienced problems due to, as stated in the SED Report, internal protocols that hindered communications.

25. No evidence exists contrary to SCE's assertion that it followed SEMS in 2019.

26. PG&E and SCE failed to seamlessly communicate with emergency responders and local governments in 2019.

27. Neither the SED Report nor the parties raise issues specific to SDG&E regarding establishing seamless communications with emergency responders and local governments regarding PSPS events in 2019.

28. All three utilities would benefit from further integration of the SEMS framework into their pro-active de-energization protocols and staffing and, therefore, the utilities must immediately begin this integration process for all protocols and with all personnel that are involved in PSPS.

29. In 2019, failures occurred in PG&E's and SCE's execution of the directive to exchange with public safety partners geospatial information.

30. Neither the SED Report nor the parties raise issues specific to SDG&E regarding its accurate provision and timely exchange of geospatial information to public safety partners in 2019.

31. In many instances, PG&E and SCE did not invite water and telecommunications infrastructure providers to the utility's emergency operations center or agree to another means to communicate regarding PSPS events in 2019.

32. In 2019, the purpose of the Commission's directive to utilities to provide embedded liaisons, upon request, to local and state jurisdictions, was to ensure the timely and accurate exchange of information critical to the safety of the public during a PSPS event.

33. PG&E efforts to convey and share important information through embedded utility liaisons at the emergency operations centers of the local or state



jurisdictions was not adequate and, as a result, PG&E's communications with local and state jurisdiction during the 2019 PSPS events was impaired.

34. Neither the SED Report nor the parties raise significant issues regarding SCE's or SDG&E's compliance in 2019 with the guideline to embed liaisons at the emergency operations center of the local or state jurisdiction, upon request, and to rely on these embedded liaisons to facilitate the timely and accurate exchange of information during a PSPS event to that jurisdiction.

35. In 2019, SCE did not have an adequate communication system in place for public safety partners regarding PSPS events, even relying on "manual" transmissions.

36. In 2019, PG&E did not have adequate communication systems in place for public safety partners regarding PSPS events, as some public safety parties state notice was not provided and executives at PG&E in 2019 confirmed that coordinating with public safety partners was not the priority.

37. Neither the SED Report nor the parties raise significant issues regarding SDG&E's compliance in 2019 with the guideline to identify, coordinate with, and provide priority notification to public safety partners.

38. Lists of critical facilities and infrastructure are fundamental from an electric utility safety and emergency planning perspective. No excuse justifies the utilities' failure to have prepared these lists and none were presented by the utilities.

39. PG&E's lists of critical facilities and infrastructure were incomplete in 2019, making notification impossible.

40. SCE did not verify or provide its list of critical facilities and infrastructure to Santa Barbara County, despite repeated requests.

41. The SED Report and parties do not identify any significant failures to comply with the directive to identify critical facilities and infrastructure by SDG&E in 2019.

42. It is unclear from the documentation on the 2019 proactive power shutoffs the full extent to which utilities complied with the directive to establish primary and secondary contacts at critical facilities and infrastructure for PSPS events.

43. Maintaining comprehensive lists of critical facilities and infrastructure is commonsense utility safety planning. No excuse exists that these lists, with primary and secondary contacts, were not complete, up-to-date, accurate, verified by local governments, and prepared in a format to promote sharing immediately, as needed, for the 2019 fire season.

44. To the extent PG&E and SCE failed to compile comprehensive lists of critical facilities and infrastructure in 2019, PG&E and SCE failed to reasonably comply with the directive to establish primary and secondary 24-hour points of contacts at critical facilities and infrastructure.

45. SDG&E, while reasonably complying with the directive to compile lists of critical facilities and infrastructure in 2019, may have failed, as noted by the SED Report, to establish primary and secondary 24-hour points of contacts at critical facilities and infrastructure.

46. SCE and SDG&E addressed outreach to Medical Baseline customers prior to the 2019 fire season and both specifically indicated they sought information from Medical Baseline customers regarding any alternative means of contact for PSPS events.

47. Numerous deficiencies existed in PG&E's efforts to update contact information for Medical Baseline customers and provide these customers with an opportunity to select an alternative means of contact for PSPS events.

48. PG&E, SCE, and SDG&E should improve the methods used in 2019 for outreach to Medical Baseline customers and in documenting how the utilities sought to update contact lists of Medical Baseline customers and the actions taken by utilities to obtain alternative contact preferences for these customers in the event of a proactive power shutoffs.

49. Improvements by PG&E, SCE, and SDG&E must be made in identifying contact information for a particularly vulnerable subset of customers, those customers that rely on electricity to maintain necessary life functions.

50. PG&E's and SCE's statements that they adequately complied with the directive to work with local jurisdictions to develop a communication strategy for all, including visitors, in the event of a PSPS event, are unconvincing.

51. In 2019, SDG&E did not experience any significant failures to comply with the directive to work with local jurisdictions to develop a communication strategy for all, including visitors, in the event of a PSPS.

52. Further documentation would be useful to substantiate claims by all the utilities that they adequately complied with the directive to work with local jurisdictions to develop a communication strategy for all, including visitors, in the event of a PSPS event.

53. The utilities must be more proactive in working with local jurisdictions to develop a communication strategy for all, including visitors, in the event of a PSPS, to ensure the utilities "leverage all means" to communicate with all in the affected de-energized area.

54. PG&E's and SCE's assertions are unconvincing that their non-compliance with the directive to develop notification and communication protocols and systems for PSPS events should be disregarded due to the lack of time to adequately prepare for the 2019 fire season or based on their bare assertions

(with no documentation to substantiate their claims) of compliance, despite contradictory claims by parties.

55. The Commission began establishing a framework for utility proactive power shutoffs in, at least, 2009. A decade is enough time to prepare a notification system.

56. SCE's noncompliance with this guideline is particularly troublesome in the Acton area where SCE failed to communicate to customers basic information needed in advance of the 2019 fire season, including "how to manage safely through a de-energization event, and the impacts if deployed."

57. PG&E and SCE had no plans in place in late 2019 for communicating with customers during a proactive power shutoff in the absence of electricity and, in addition, SCE and PG&E failed to adequately substantiate their claims of compliance.

58. In 2019, no significant failures were identified by SDG&E to develop notification and communication protocols and systems in the absence of electricity for PSPS events.

59. All three utilities must further substantiate their claims of compliance with the required notification and communication protocols and systems for proactive power shutoffs. The utilities must explain, for example, how they evaluated input from stakeholders at relevant meetings and what plans or goals the utilities developed as a result of the input provided by stakeholders during relevant meetings.

60. In 2019, the Commission explained the critical nature of the directive to develop a notification strategy that considers geographic and cultural demographics as a means to "increase reliability of warning delivery and to

provide a sense of corroboration that will encourage recipients to take protective actions.”

61. Without considering cultural demographic characteristics, such as prevalent languages, it is unclear how the utilities planned to provide customers with effective notice in 2019.

62. PG&E’s explanation that in 2019 it provided notice in two languages, English and Spanish, and also had translations available on its website, is not effective notice because many more languages were used in the affected areas and PG&E’s website was at times non-functional in 2019.

63. SCE presents reasonable efforts to consider geographic and cultural demographics but its efforts largely occurred after the 2019 wildfire season.

64. Neither the SED Report nor SDG&E provide much information on SDG&E’s compliance in advance of the 2019 fire season with the directive to consider geographic and cultural demographics when developing a notice strategy.

65. The utilities must have a comprehensive communications strategy in place, prior to fire season, to rely upon during a pro-active de-energization when the availability of electricity is restricted and when most communications platforms are non-functional due to the loss of electricity.

66. The Commission provided utilities with notice as far back as 2012 that a strategy to communicate with customers when access to electricity may be restricted would be needed, almost a decade before the events at issue; then again, in 2018, when the Commission stated utilities must have plans to provide “notification ...during, a de-energization event,” and again in 2019, when the Commission directed utilities to develop a plan to communicate with customers in the absence of power.

67. The utilities had sufficient time and notice to develop a plan to communicate with customers when access to electricity was restricted prior to the 2019 PSPS events and could have started planning long in advance of the 2019 fire season.

68. PG&E's and SCE's plans to communicate with customers when access to electricity was restricted or in the absence of electricity were deficient in many respects, and these deficiencies by PG&E and SCE jeopardized the safety of customers.

69. In 2019, SCE's plans to communicate with customers in the absence of electricity or when the access to electricity was restricted appeared somewhat better than PG&E's but were still marred by inconsistencies, inaccuracies, and failure to account for backup power to enable telecommunications in more remote rural areas.

70. SDG&E used a comprehensive strategy for communicating with customers during the power shutoffs in 2019 in the absence of electricity or when the access to electricity was restricted.

71. Operational coordination by utilities with public safety partners in preparation for wildfire season is fundamental to whether utilities succeed in mitigating the impact of power shutoffs on customers.

72. The utilities must continue to explore and innovate methods to continuously mitigate the impact of power shutoffs on customers.

73. Public safety partners are a critical link between the customer and the utilities to facilitate the transfer of information and the mitigation of harm regarding PSPS events.

74. In 2019, PG&E did not have adequate systems in place to ensure operational coordination with public safety partners.

75. In 2019, SCE did not have adequate systems in place to ensure operational coordination with public safety partners but performed better than PG&E.

76. Neither the SED Report or parties raise issues regarding SDG&E's compliance with the guideline to facilitate, upon request, operational coordination with public safety partners and provide consistent comprehensive reporting on this topic.

77. Improved operational coordination by PG&E and SCE will result from additional initiatives regarding operational coordination with public safety partners similar to those of SDG&E, as detailed in its opening comments, including: (1) develop a secure transfer for GIS files for public safety partners; (2) provide, upon request, relevant GIS data, including identification of critical facilities, circuits, and number of Medical Baseline customers, to public safety partners in advance of wildfire season; (3) provide and make available information and situational awareness about de-energization in multiple ways to the community, share a document with public safety partners on PSPS policies and procedures, including considerations taken into account prior to a shutoff, the de-energization process, and the utility's notification process to customers, non-customers and other critical stakeholders; (4) provide resources to the community and public safety partners, including the availability and location of Community Resources Centers; (5) address the difference between an unplanned outage and an outage related to a de-energization; (6) develop on the utility's website a dedicated PSPS section, to which the public along with public safety partners are driven to as part of the utility's public education; (7) provide a secure data transfer of the de-energization boundaries to share real-time data with public safety partners; (8) encourage public safety partners to use the utility's dedicated de-energization webpage to obtain education and outreach

provided prior to fire season, up-to-date information during a de-energization, including a depiction of the boundary of the de-energization event on the utility's website homepage and dedicated de-energization page; and (9) share on the utility's website and in relevant communications a 24-hour means of contact that customers and public safety partners may use to ask questions and/or seek information.

78. The possibility of concurrent emergencies, e.g., a fire during a pro-active de-energization, is real.

79. Pursuant to Pub. Util. Code § 451, utilities must be prepared to act, possibly even re-energizing, to protect public safety in the event of concurrent emergencies.

80. In 2019, the utilities underperformed in planning with public safety partners for concurrent emergencies.

81. In 2019, the utilities should have planned for the possibility that other emergencies, beyond just fires, could have placed customers at risk of serious harm due to, among other things, the lack of communications.

82. More specific directives are needed to require utilities to work with one type of public safety partner, fire agencies.

83. In 2019, the PSPS Guidelines required utilities, in advance of wildfire season, to engage in outreach to assess the needs of critical facilities and infrastructure for backup generation and, if necessary, provide needed backup generation. This directive has since been modified by D.20-05-051.

84. The utilities, going forward, should provide more information to the Commission on their provision of backup power, generally, in a report, such as an annual report, filed with the Commission. The utilities must also provide information on mobile backup power in an annual report. Information of any



specific backup power provided immediately before or during a PSPS event (mobile or otherwise), must be addressed in the 10-day post-event reports.

85. The utilities should each clarify their understanding in an annual report of the precise responsibilities of the utilities versus critical facilities and infrastructure to reach the Commission's goal of ensuring that backup power needs of critical facilities and infrastructure during proactive de-energizations are met in advance of power shutoffs.

86. SDG&E's approach to overall communications efforts with public safety partners as an open continuous dialogue to facilitate a partnership of working together to ensure the goal of safety during a proactive de-energization is consistent with the goals of the Commission.

87. SCE did not conduct communication exercises in 2019 with public safety partners.

88. In 2019, PG&E's efforts to conduct communication exercises with public safety partners, by its own descriptions, were insufficient.

89. In 2019, PG&E and SCE did not perform adequately in updating contact information or conducting communication exercises with public safety partners. PG&E and SCE offered no justifications for this failure and none exist.

90. Updated contact lists for public safety partners and conducting communication exercises with these customers in advance of wildfire season is fundamental to promoting safety during a PSPS event.

91. In advance of the 2019 wildfire season, PG&E and SCE failed to reasonably comply with the PSPS Guideline to update contact lists for public safety partners and conduct communication exercises with public safety partners, and, in failing to reasonably comply with this guideline, PG&E and SCE failed to comply with the directive to promote safety in Pub. Util. Code § 451.

92. Taken as a whole, the extent of the deficiencies or complete absence of information provided by the utilities in response to some of the reporting requirements in the 10-day post-event reports, together with the difficulties experienced by parties and SED seeking to review these post-event reports, reinforces the need for the utilities to use a standardized template as a basis for organizing and gauging the appropriate level of detail required by in the 10-day post-event reports.

93. In 2019, PG&E, SCE, and SDG&E timely submitted the 10-day post-event reports. While the SED Report finds PG&E submitted some reports late, PG&E complied with the deadline based on counting business days, excluding days the Commission was closed.

94. Certain clarifications are warranted to the guideline pertaining to the submission of post-event reports to enhance the utilities' reporting on PSPS events in the future.

95. The Commission must have accurate information to verify that the utilities provided their 10-day post-event reports to all affected public safety partners on a timely basis so that public safety partners have the opportunity to offer comments on the reports to the Commission.

96. The SED Report reviews the number of complaints received by PG&E in response to the 2019 PSPS events and finds it surprising that the number of complaints reported by PG&E is relatively low, especially due to the widespread impact of PG&E's 2019 PSPS events.

97. PG&E explained that it only reports certain types of complaints by customers, stating "[a]ny customer issue where a customer contacts another line of business or our customer service Contact Center Operations is an 'inquiry'

[not a complaint].” Similarly, SCE and SDG&E only reported a certain type of complaints.

98. In reviewing the utilities’ compliance with the Resolution ESRB-8 reporting requirements, the utilities in 2019 may have under-reported complaints received pertaining to their PSPS events.

99. A number of parties raised possible inconsistency between the actual problems experienced by customers during the 2019 PSPS events and the relatively small number of complaints reported.

100. The utilities failed to reasonably explain in the 2019 post-event reports how sectionalization was considered and how it was used to limit the scope of the power shutoff.

101. In the 2019 10-day post-event reports, PG&E, SCE, and SDG&E failed to adequately explain each utility’s own timeline for power restoration and steps taken to restore power.

102. The utilities did not show a serious effort, in their 2019 10-day post-event reports, to collect information, such as lessons learned, to minimize the future impact of PSPS events on customers.

### **Conclusions of Law**

1. The California Constitution and the Public Utilities Code provide the Commission with broad jurisdiction to adopt and enforce regulations regarding the safety of utility facilities and operations.

2. Utilities are required by Pub. Util. Code § 702 to “obey and comply” with such requirements.

3. The Commission has broad authority to implement safety requirements for utilities under Pub. Util. Code § 451.

4. Well-established precedent confirms that the obligation of utilities to promote safety under Pub. Util. Code § 451 is absolute and is a longstanding requirement since and before its enactment in 1951.

5. Pursuant to this stated authority, the Commission reviews the use by PG&E, SCE, and SDG&E of proactive power shutoffs in late 2019 as a wildfire mitigation measure of last resort to protect public safety.

6. The standard of review for this proceeding, which includes the safety of utility practices, is that which would put a *reasonable person on notice* is sufficient to put a utility on notice of a violation of Pub. Util. Code § 451. The question is whether, based on the notice provided, reasonable persons would know that their conduct is at risk.

7. A utility can be found to have knowingly violated the broad safety obligations of Pub. Util. Code § 451 without a specific statute, rule, or order barring the conduct.

8. A utility must show that its actions, practices, methods, and decisions show reasonable judgment in light of what it knew or should have known at the time, and in the interest of achieving safety. The burden of demonstrating that its decision to shut off power is necessary to protect public safety and other reasonableness factors shall apply to all electric utilities.

9. The arguments by PG&E and SCE that they were caught off guard in 2019, did not understand the extent of the possible public harm in 2019, or had inadequate time to better prepare for the events of 2019, are wholly unconvincing based on the overarching obligation of the utilities to promote safety under § 451 of the Pub. Util. Code.

10. To uphold the utility obligation to promote safety under § 451 of the Pub. Util. Code and comply with the PSPS Guidelines, the utilities need to identify,

evaluate, weigh, and report the potential for harm to their customers resulting from a proactive de-energization.

11. In 2019, PG&E, SCE, and SDG&E failed to reasonably comply with the requirement in the 2019 PSPS Guidelines to identify, evaluate, and weigh the potential for harm to their customers resulting from a proactive de-energization.

12. In failing to reasonably comply with the requirement to identify, evaluate, and weigh the potential for harm to their customers resulting from a proactive de-energization, PG&E, SCE, and SDG&E failed to comply with the obligation in Pub. Util. Code § 451 to promote safety of customers.

13. In 2019, PG&E, SCE, and SDG&E failed to comply with the 10-day post-event reporting requirement in the PSPS Guidelines pertaining to potential for harm to their customers resulting from a proactive de-energization.

14. It is reasonable to require PG&E, SCE, and SDG&E to provide significantly more information and analysis in 10-day post-event reports in the future on the risks and harms from a PSPS events.

15. Because the utilities' failures in 2019 to reasonably identify, evaluate, weigh, and report public risks were grossly deficient and even non-existent, a monetary remedy in the form of a disallowance is appropriate until improvements are demonstrated.

16. In striking a balance between the need in 2019 for utilities to initiate PSPS events in response to evolving, dangerous conditions against the equally compelling need to conduct PSPS events in a safe manner, rather than adopt penalties, it is reasonable to adopt a future incentive for utilities to improve their conduct related to their decision-making process leading up to initiating future PSPS events and to only use power shutoffs as a mitigation measure of last resort.

17. In 2019, PG&E, SCE, and SDG&E failed to reasonably comply with the directive to include in their 10-day post-event reports the “last resort” analysis and alternatives considered.

18. In the absence of sufficient information in these 2019 reports to show otherwise, PG&E, SCE, and SDG&E failed to reasonably comply with the requirement to perform “last resort” analysis or consider alternatives and, as a result, failed to comply with the directive in Pub. Util. Code § 451 to promote the safety of customers.

19. The guidelines adopted by the Commission in D.12-04-024, Resolution ESRB-8, and D.19-05-042 set forth the Commission’s expectations of the utilities for the timing and content of notice before, during, and after a PSPS event.

20. The content and the timing of the notice provided by PG&E and SCE in 2019 often failed to reasonably comply with the notice guidelines in D.12-04-024, Resolution ESRB-8, and D.19-05-042 and, as a result, PG&E and SCE failed to comply with Pub. Util. Code § 451.

21. While SDG&E’s provision of notice would benefit from certain improvements, overall, SDG&E reasonably complied with the 2019 PSPS Guidelines and Pub. Util. Code § 451.

22. Resolution L-598 (December 9, 2019) should be modified to include cities. The *Order* of Resolution L-598 is modified as noted below:

“The electric investor-owned utilities are authorized to share Medical Baseline information with county, city, and tribal government emergency response personnel, upon the county, city, or tribal government’s request, when a PSPS protocol is initiated.” (Resolution L-598 (December 9, 2019), Order 4 at 6.)

“The electric investor-owned utilities are authorized to share with county, city, or tribal governments, upon the county, city, or tribal government’s request, the addresses within their jurisdiction that

are or will be impacted by planned or announced PSPS events.”  
(Resolution L-598 (December 9, 2019), Order 4 at 6.)

“The address data is to be shared solely for the purpose of allowing a county, city, or tribal government to identify with particularity the areas and addresses within the scope of a PSPS event and shall not be shared or used for any other purpose.” (Resolution L-598 (December 9, 2019), Order 4 at 6.)

23. Utilities should take steps to organize and present the data for analysis of compliance with notice guidelines in a more organized and accessible manner.

24. The argument that PG&E and SCE lacked time to prepare for the 2019 PSPS events is unpersuasive. The Commission began addressing the potential for proactive power shutoffs over a decade ago and lack of time to prepare is simply not a convincing excuse for noncompliance.

25. In 2019, PG&E and SCE failed to reasonably comply with the directive to establish an accessible website homepage and a dedicated page for PSPS and include, among other things, up-to-date maps for the affected areas.

26. In failing to reasonably comply with the directive to establish an accessible website homepage and a dedicated page for PSPS and include, among other things, up-to-date maps for the affected areas, PG&E and SCE failed to comply with the obligation in Pub. Util. Code § 451 to promote safety of customers.

27. SDG&E reasonably complied with the directive regarding PSPS websites and maps of affected areas.

28. SDG&E's conduct reasonably complies with the PSPS Guidelines and Pub. Util. Code § 451 to provide consistent, accurate, relevant, and timely information to public safety partners before, during, and after a de-energization.

29. PG&E and SCE failed to reasonably comply with the directive that utilities must provide consistent, accurate, relevant, and timely information to

public safety partners before, during, and after a pro-active de-energization in 2019 and, in failing to reasonably comply with this directive, PG&E and SCE failed to comply with the obligation to promote safety in Pub. Util. Code § 451.

30. In 2019, PG&E, SCE, and SDG&E failed to reasonably comply with this directive to collaborate on best practices and, in failing to reasonably collaborate on best practices, failed to comply with the obligation to promote safety in Pub. Util. Code § 451.

31. In 2019, PG&E and SCE failed to reasonably comply with the directive to seamlessly communicate with emergency responders and local governments and, in failing to seamlessly communicate, failed to comply with the obligation to promote safety in Pub. Util. Code § 451.

32. In 2019, SDG&E reasonably complied with the directive to establish seamless communications with emergency responders and local governments.

33. The integration of the SEMS framework and PSPS should be mandatory, comprehensive, and accomplished expeditiously.

34. In 2019, PG&E failed to reasonably comply with the guideline to accurately provide and timely exchange geospatial information for a number of reasons, including the insufficient level of detail in its shared geospatial information, the inaccuracies in the information it provided, and its problems with the PSPS secure web portal for public safety partners.

35. In 2019, SCE failed to reasonably comply with the guideline to accurately provide and timely exchange geospatial information by not effectively communicating the availability of its geospatial data to public safety partners.

36. In failing to accurately provide and timely exchange geospatial information with public safety partners in 2019, PG&E and SCE also failed to comply with the obligation to promote safety in Pub. Util. Code § 451.



37. In 2019, SDG&E reasonably complied with the guideline to accurately provide and timely exchange geospatial information with public safety partners.

38. In 2019, PG&E and SCE failed to reasonably comply with the guideline to invite water and telecommunications infrastructure providers to the utility's emergency operations center or agree to another means to communicate regarding PSPS events, and in failing to reasonably comply with this guideline, failed to comply with the utility obligation to promote safety in Pub. Util. Code § 451.

39. In 2019, SDG&E reasonably complied with the guideline to invite water and telecommunications infrastructure providers to the utility's emergency operations center or agree to another means to communicate.

40. In 2019, PG&E failed to reasonably comply with the guideline to embed liaisons at the emergency operations center of the local or state jurisdiction, upon request, and to rely on these embedded liaisons to facilitate the timely and accurate exchange of information during a PSPS event for that jurisdiction, and, in failing to facilitate the exchange of timely and accurate information via embedded utility liaisons, PG&E also failed to comply with the obligation in Pub. Util. Code § 451 to promote safety.

41. In 2019, SDG&E and SCE reasonably complied with the guideline to embed liaisons at the emergency operations center of the local or state jurisdiction, upon request, and to rely on these embedded liaisons to facilitate the timely and accurate exchange of information during a PSPS event to that jurisdiction.

42. To the extent parties raised issues pertaining to the SCE liaisons' failures in 2019 to transfer information between liaisons at shift changes, further improvement in this area is needed.

43. PG&E failed to reasonably comply with the directive in 2019 to embed liaisons at the emergency operations center of the local or state jurisdiction, upon request, and to rely on these embedded liaisons to facilitate the timely and accurate exchange of information during a PSPS event to that jurisdiction but all three utilities would benefit from further refinement of the use of their embedded utility liaisons in their de-energization protocols.

44. In 2019, PG&E and SCE failed to reasonably comply with the directives to identify, coordinate with, and provide priority notification to public safety partners, and, in failing to identify, coordinate with, and provide priority notification to public safety partners, PG&E and SCE also failed to comply with the obligation in Pub. Util. Code § 451 to promote safety.

45. In 2019, SDG&E reasonably complied with the guideline to identify, coordinate with, and provide priority notification to public safety partners.

46. All three utilities should demonstrate improvement in the area of identifying, coordinating with, and providing priority notification to public safety partners.

47. PG&E and SCE failed to reasonably comply with the directive in 2019 to compile lists of critical facilities and infrastructure, and in doing so, failed to comply with the obligation to promote safety in Pub. Util. Code § 451.

48. In 2019, SDG&E reasonably complied with the directive to identify critical facilities and infrastructure.

49. In 2019, PG&E, SCE, and SDG&E failed to reasonably comply with the directive to establish primary and secondary 24-hour contacts at critical facilities and infrastructure, and in doing so, failed to comply with the obligation to promote safety in Pub. Util. Code § 451.

50.SCE and SDG&E in 2019 reasonably complied with the directive to update contact information for Medical Baseline customers and provide these customers with an opportunity to select an alternative means of contact for PSPS events.

51.In 2019, PG&E failed to reasonably comply with the directive to update contact information for Medical Baseline customers and provide these customers with an opportunity to select an alternative means of contact for PSPS events and, as a result, failed to comply with its obligation to promote safety under Pub. Util. Code § 451.

52.In 2019, PG&E and SCE failed to reasonably comply with the directive to work with local jurisdictions to develop a communication strategy for all, including visitors, in the event of a PSPS and, as a result, failed to comply with the utility obligation to promote safety in Pub. Util. Code § 451.

53.In 2019, SDG&E reasonably complied with the directive to work with local jurisdictions to develop a communication strategy for all, including visitors, in the event of a PSPS.

54.In 2019, PG&E and SCE failed to reasonably comply with the directive to develop notification and communication protocols and systems in the absence of electricity for PSPS events, and, as a result, failed to comply with their obligation to promote safety set forth in Pub. Util. Code § 451.

55.In 2019, SDG&E reasonably complied with the directive to develop notification and communication protocols and systems in the absence of electricity for PSPS events.

56.In 2019, PG&E, SCE, and SDG&E failed to reasonably comply with the directive that required utilities to consider geographic and cultural demographics in developing a notification strategy in advance of the 2019 fire

season for affected areas and, in failing to consider these factors, failed to comply with the utility obligation to promote safety set forth in Pub. Util. Code § 451.

57. In 2019, PG&E and SCE failed to reasonably comply with the directive to develop a communications strategy to use during a power shutoff when communications may be restricted due to the lack or complete absence of electricity and, as a result, we find PG&E and SCE failed to comply with the utility obligation to promote safety in Pub. Util. Code § 451.

58. SDG&E acted reasonably with respect to the directive to develop a communications strategy during a power shutoff when communications may be restricted due to the lack of electricity.

59. In 2019, PG&E and SCE failed to reasonably comply with the directive to, upon request, provide operational coordination with public safety partners and, in failing to reasonably comply with this directive, PG&E and SCE failed to comply with the utility obligation to promote safety in Pub. Util. Code § 451.

60. SDG&E reasonably complied with the directive to, upon request, provide operational coordination with public safety partners.

61. In 2019, PG&E, SCE, and SDG&E failed to reasonably comply with the directive to work with public safety partners to plan for the possibility of concurrent emergencies, and as a result of this failure, PG&E, SCE, and SDG&E failed to comply with the utility obligation to promote safety in Pub. Util. Code § 451.

62. PG&E and SCE failed to reasonably comply with the directive in 2019, which required utilities, in advance of wildfire season, to engage in outreach to assess the needs of critical facilities and infrastructure for backup generation and, if necessary, provide needed backup generation, and, in doing so, PG&E and

SCE failed to comply with the utility obligation to promote safety in Pub. Util. Code § 451.

63. In 2019, SDG&E reasonably complied with the directive that required utilities, in advance of wildfire season, to engage in outreach to assess the needs of critical facilities and infrastructure for backup generation and, if necessary, provide needed backup generation.

64. In 2019, PG&E and SCE failed to reasonably comply with the directive to update contact lists for public safety partners and conduct communication exercises with public safety partners and, in doing so, PG&E and SCE failed to comply with the utility obligation to promote safety in Pub. Util. Code § 451.

65. In 2019, SDG&E reasonably complied with the directive to update contact lists for public safety partners and conduct communication exercises with public safety partners.

66. PG&E and SCE should take immediate steps to improve performance in two critical areas, updating contact lists for public safety partners and conducting communication exercises with public safety partners, consistent with, at a minimum, SDG&E's program.

67. To expedite the development of a standardized template for the 10-day post-event reports and adopt a more straightforward process for public input, the utilities should immediately initiate efforts to assist SED in developing a standardized template. The process for public input set forth in D.19-05-042 (the Tier 3 advice letter process) is modified and instead SED should issue, within 30 days of the effective date of this decision, a proposed template in R.18-12-005 for consideration and comments by parties.

68. SED should establish a single webpage on the Commission's website to function as a central repository for all of the Commission's undertakings

regarding the proactive power shutoffs, including 10-day post-event reports, comments to these reports so that stakeholders, including the general public, can easily access the different aspects of the Commission's review process of proactive power shutoff and identify the division within the Commission undertaking a particular aspect of the review process and the subject matter of the review.

69. In the future, utilities should submit the 10-day post-event reports to the Director of SED via email.

70. In the future, a utility should request an extension of time to submit a 10-day post-event report under Rule 16.6 of the Commission's Rules of Practice and Procedure in compliance with the Commission's Rules of Practice and Procedure and concurrently serve this request via email on the Commission's SED Director

71. To ensure the Commission is accurately apprised of the details of service of 10-day post-event reports, the PSPS Guidelines should be modified to require PG&E, SCE, and SDG&E to file these reports with the Commission in R.18-12-005 or a successor proceeding (in addition to submitting the Director of SED).

72. The PSPS Guidelines should be modified to require parties to file (rather than submit to SED) comments to the 10-day post-event reports in R.18-12-005 or a successor proceeding to further enhance the transparency of SED's review of the 10-day post-event reports.

73. Going forward, the word "complaints" as used in the 10-day post-event reporting requirement set forth in Resolution ESRB-8, means an "expression of grief, pain, or dissatisfaction," which is the common meaning of the word found in *Merriam-Webster*.

74. The utilities should report any formal filings, such as court claims, Commission complaints, and any informal complaints, such as informal

Commission complaints and complaints to any division of the utility, in the 10-day post-event report.

75. The utilities should establish an internal tracking process for these complaints so that SED is able to access these data and confirm the utilities are accurately presenting the number of complaints received regarding PSPS events. The utilities should collaborate with SED and incorporate SED's input to ensure the tracking system is consistent with SED's expectations and directives.

76. Additional clarifications to our existing guidelines (previously set forth in Resolution ESRB-8) for the 10-day post-event reports are warranted.

77. The utilities should provide additional information regarding the number of customers affected by the power shut off in their future 10-day post-event reports. To the extent a utility needs additional guidance on the type or amount of information required to be provided in response to this reporting requirement, the utility should seek guidance from SED.

78. The utilities should improve their explanation in the post-event reports of how sectionalization was considered and how each utility used sectionalization to limit the scope of the power shutoff.

79. PG&E, SCE, and SDG&E should respond to all aspect of the 10-day post-event reports, including the utility's timeline for power restoration and steps taken to restore power.

80. The utilities should contact SED if more guidance on the required information in the 10-day post-event reports is needed.

81. In 2019, PG&E, SCE, and SDG&E failed to reasonably comply with the reporting requirements for lessons learned applicable to the 10-day post-event reports.

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

1. Pacific Gas and Electric Company (PG&E), Southern California Edison Company (SCE), and San Diego Gas & Electric Company (SDG&E) must forgo collection in rates from customers of all authorized revenue requirement equal to estimated unrealized volumetric sales and unrealized revenue resulting from Public Safety Power Shutoff (PSPS) events after the effective date of this decision. Additionally, PG&E, SCE, and SDG&E must (1) agree on one methodology to rely upon in calculating these estimated unrealized volumetric sales and unrealized revenue, (2) include the amount of estimated unrealized volumetric sales and unrealized revenue resulting from PSPS events in the Energy Resource Recovery Account (ERRA) proceedings addressing the years in which the PSPS events occurred, (3) detail the method of calculating the amounts of estimated unrealized sales and unrealized revenue in the ERRA proceedings, and (4) report these estimated amounts unrealized sales and unrealized revenue in an annual PSPS report, as directed by the Commission in Rulemaking (R.) 18-12-005. Regarding any submitting this information in any pending ERRA or future ERRA proceeding, the utility shall request via an email to the Administrative Law Judge (and the service list) whether additional testimony is required on this topic and establishes a procedure for submitting this information on an ongoing basis in the ERRA proceeding. The ERRA proceedings, R.18-12-005, or other proceeding may be the appropriate forum to consider further details regarding this directive, such as whether this rate disallowance should be increased to reflect sales, if any, of excess power due to a proactive power shutoff and whether a different methodology or standard methodology should be used by



the utilities in calculating this disallowance. This directive to forgo collection of rates, as detailed herein, shall remain effective until a utility demonstrates improvements in identifying, evaluating, weighing, and reporting public harm when determining whether to initiate a PSPS event.

2. Pacific Gas and Electric Company (PG&E), Southern California Edison Company (SCE), and San Diego Gas & Electric Company (SDG&E) must identify and quantify customer, resident, and the general public risks and harms from a proactive de-energization and clearly explain in the 10-day post-event reports their risk models and risk assessment processes, and provide further documentation on how the power disruptions to customers, residents, and the general public is weighed against the benefits of a proactive de-energization. PG&E, SCE, and SDG&E must each also explain, in detail, the threshold established for initiating a Public Safety Power Shutoff event in the 10-day post-event reports.

3. Pacific Gas and Electric Company, Southern California Edison Company, and San Diego Gas & Electric Company must immediately implement a collaborative effort, to be referred to as the Joint Utility Public Safety Power Shutoff Working Group, which includes, at a minimum, a monthly joint utility meeting to share all lessons learned and best practices pertaining to the use of proactive de-energizations as a last resort mitigation measure, alternatives considered, and a robust reporting format to fully inform and assure the public and the Commission that these matters were adequately considered prior to proactively shutting off power.

4. Pacific Gas and Electric Company (PG&E), Southern California Edison Company (SCE), and San Diego Gas & Electric Company (SDG&E) must memorialize each meeting of the Joint Utility Public Safety Power Shutoff

Working Group in a joint report that includes, at a minimum, the date/time, attendees, topics discussed, and action items for each utility. PG&E, SCE, and SDG&E must jointly file and serve these reports on or before 14 days after the date of the meeting in Rulemaking 18-12-005 or a successor proceeding. Reports may be designated as confidential to the extent required by law. The Commission's Safety and Enforcement Division is authorized to require additional topics or further details be included in this report and revised reports shall be filed and served as directed herein. The Safety and Enforcement Division is authorized to establish a filing date of any revised reports..

5. Pacific Gas and Electric Company, Southern California Edison Company and San Diego Gas & Electric Company must include separate sections in the 10-day post-event reports on the following topics required by Decision 19-05-042: (1) how the utility used proactive de-energization as a last resort mitigation measure, (2) the alternatives considered, and (3) the mitigation measures employed.

6. Pacific Gas and Electric Company, Southern California Edison Company, and San Diego Gas & Electric Company must immediately initiate efforts to assist the Commission's Safety and Enforcement Division in developing a standardized 10-day post-event reporting template for indicating compliance with all the Public Safety Power Shutoff guidelines pertaining to notice and, in addition, ensure, in consultation with Safety and Enforcement Division, that any format used to report compliance with all notice guidelines is readily accessible for analysis by the Safety and Enforcement Division.

7. Pacific Gas and Electric Company (PG&E), Southern California Edison Company (SCE), and San Diego Gas & Electric Company (SDG&E) must at the Joint Utility Public Safety Power Shutoff (PSPS) Working Group share all best

practices and lessons learned relevant to development of a consistent format for reporting, in the 10-day post-event report, compliance with all the notice guidelines (both mandatory and discretionary) set forth in the PSPS Guidelines and any other applicable laws, rules, and regulations. PG&E, SCE, and SDG&E must each provide information on the following notice topics, at a minimum, in the 10-day post-event reports: (1) the time the utility activated its Emergency Operations Center, the time the utility determined it was likely to de-energize, and the time the utility notified public safety partners; (2) whether public safety partners/priority notification entities received notice 48-72 hours in advance of anticipated de-energization; (3) whether all other affected customers/populations received notice 24-48 hours in advance of anticipated de-energization; (4) whether all affected customers/populations received notice 1-4 hours in advance of anticipated de-energization; (5) whether all affected customers/populations received notice when the de-energization was initiated; (6) whether all affected customers/populations received notice immediately before re-energization begins; and (7) whether all affected customers/populations received notice when re-energization was complete. In a report, as designated by the Commission's Safety and Enforcement Division, each utility shall respond to any failure to provide notice consistent with the guidelines with an explanation of what caused these failures and how the utility will correct those failures.

8. Pacific Gas and Electric Company, Southern California Edison Company, and San Diego Gas & Electric Company must file and serve an annual report in Rulemaking (R.) 18-12-005 or a successor proceeding, which shall identify, among other things, the dates/times when the Joint Utility Public Safety Power Shutoff Working Group convened and the webpage links to all meeting reports

filed with the Commission. The details of the annual report, including the date to be filed, will be determined in R.18-12-005.

9. Pacific Gas and Electric Company, Southern California Edison Company, and San Diego Gas & Electric Company are authorized to share Medical Baseline information with county, city, and tribal government emergency response personnel, upon the county, city, or tribal government's request, when a Public Safety Power Shutoff protocol is initiated.

10. Pacific Gas and Electric Company, Southern California Edison Company, and San Diego Gas & Electric Company are authorized to share with county, city, or tribal governments, upon the county, city, or tribal government's request, the addresses within their jurisdiction that are or will be impacted by planned or announced Public Safety Power Shutoff events.

11. Pacific Gas and Electric Company, Southern California Edison Company, and San Diego Gas & Electric Company must prepare, in consultation with parties to this proceeding, a joint utility recommendation for clarifying the entities required to receive notifications 48-72 hours in advance of the de-energization and file the recommendation as a motion in Rulemaking 18-12-005.

12. Pacific Gas and Electric Company, Southern California Edison Company, and San Diego Gas & Electric Company at the Joint Utility Public Safety Power Shutoff (PSPS) Working Group must share all aspects of their PSPS webpages with the goal of collaborating on best practices to develop and deploy webpages before, during, and after a proactive de-energization.

13. Pacific Gas and Electric Company, Southern California Edison Company and San Diego Gas & Electric Company must at the Joint Utility Public Safety Power Shutoff Working Group share all lessons learned and best practices pertaining to all aspects of their communications practices with public safety

partners, including all technology and all notifications, with the goal of collaborating on best practices for communication with public safety partners before, during, and after a proactive de-energization.

14. Pacific Gas and Electric Company (PG&E) and Southern California Edison Company (SCE) must immediately develop and implement improvements to their communications protocol with all emergency responders and local governments so communication before, during, and after a de-energization is seamless.

15. Pacific Gas and Electric Company, Southern California Edison Company, and San Diego Gas & Electric Company must expeditiously (1) integrate, to the fullest extent possible, all aspects of the Standardized Emergency Management System (SEMS) framework into their pro-active de-energization protocols and (2) provide training under the SEMS framework, to the fullest extent possible, to all Public Safety Power Shutoff personnel.

16. Pacific Gas and Electric Company, Southern California Edison Company, and San Diego Gas & Electric Company must at the Joint Utility Public Safety Power Shutoff Working Group share all lessons learned and best practices pertaining to all aspects of their communications practices with emergency responders and local governments, including all technology and all notifications, to achieve the Commission's goal of ensuring the public receives timely notice of proactive de-energizations.

17. Pacific Gas and Electric Company and Southern California Edison Company must immediately develop and implement improvements to their protocols to enable the accurate provision to and timely exchange of geospatial information with public safety partners in preparation for an imminent Public Safety Power Shutoff (PSPS) event and during a PSPS event.

18. Pacific Gas and Electric Company, Southern California Edison Company, and San Diego Gas & Electric Company must include a statement in the 10-day post-event reports verifying the availability to public safety partners of (1) accurate and timely geospatial information and (2) real time updates to the Geographic Information System shapefiles in preparation for an imminent Public Safety Power Shutoff (PSPS) event and during a PSPS event.

19. Pacific Gas and Electric Company, Southern California Edison Company, and San Diego Gas & Electric Company must at the Joint Utility Public Safety Power Shutoff (PSPS) Working Group share all lessons learned and best practices pertaining to the exchange of geospatial information with public safety partners in preparation for an imminent PSPS event and during a PSPS event.

20. Pacific Gas and Electric Company, Southern California Edison Company, and San Diego Gas & Electric Company must include in the 10-day post-event reports the names of all entities invited to the utility's emergency operations centers for a Public Safety Power Shutoff event, the method used to make this invitation, and whether a different form of communication was preferred by any entity invited to the utility's emergency operations center.

21. Pacific Gas and Electric Company, Southern California Edison Company, and San Diego Gas & Electric Company must file and serve an annual report, with the details of this annual report to be determined in Rulemaking 18-12-005. This annual report must include the names of all critical facilities and infrastructure customers that the utility contacted to assess backup power needs and the date of that contact.

22. Pacific Gas and Electric Company, Southern California Edison Company, and San Diego Gas & Electric Company must adopt protocols to ensure all relevant information is timely transferred when employees in the role of the

embedded utility liaison change during an ongoing Public Safety Power Shutoff event, such as during an employee shift change.

23. Pacific Gas and Electric Company (PG&E) must specifically seek and consider protocols from Southern California Edison Company and San Diego Gas & Electric Company regarding how to effectively rely on embedded utility liaisons to facilitate the timely and accurate exchange of information during a Public Safety Power Shutoff event and use any information obtained to improve PG&E's compliance with this guideline.

24. Pacific Gas and Electric Company, Southern California Edison Company, and San Diego Gas & Electric Company must at the Joint Utility Public Safety Power Shutoff (PSPS) Working Group share all lessons learned, best practices, and existing protocols related to embedding utility liaisons, upon request, at local and state jurisdictions emergency operations centers during PSPS events.

25. Pacific Gas and Electric Company, Southern California Edison Company, and San Diego Gas & Electric Company must host targeted, localized meetings with emergency services partners to cross-check Public Safety Partner lists at least once per calendar year. These lists compiled by the utilities must include, at a minimum, the following: (1) the names, email addresses, and phone numbers of the contact persons for purposes of proactive power shutoffs for all entities included as public safety partners, including first/emergency responders at the local, state and federal level, water, wastewater and communication service providers, community choice aggregators and publicly-owned utilities/electrical cooperatives, the Commission, the California Governor's Office of Emergency Services and the California Department of Forestry and Fire Protection; and (2) the names, email addresses, and phone numbers of persons responsible for maintaining and updating this list for the utility so public safety partners can

easily provide the appropriate utility with updated contact information. All relevant stakeholders should review the list to verify that all public safety partners and the designated contact persons are correctly listed and, if errors or omission exist, contact the utility. These lists may be designated as confidential, to the extent required by law. The utilities must revise these lists immediately upon receipt of updated information from public safety partners.

26. Pacific Gas and Electric Company, Southern California Edison Company, and San Diego Gas & Electric Company must at the Joint Utility Public Safety Power Shutoff (PSPS) Working Group share all lessons learned and all best practices pertaining to all aspects of developing and maintaining updated lists of public safety partners on PSPS secure web portals.

27. Pacific Gas and Electric Company, Southern California Edison Company, and San Diego Gas & Electric Company must file and serve an annual report in Rulemaking (R.) 18-12-005 or a successor proceeding, which must identify, among other things, the status of the lists of public safety partners, including the last date updated, on their Public Safety Power Shutoff webpages. Further details of this annual report, including the date to be filed, will be determined in R.18-12-005.

28. Within 120 days of the effective date of this decision, Pacific Gas and Electric Company, Southern California Edison Company, and San Diego Gas & Electric Company must post on their existing Public Safety Power Shutoff (PSPS) secure web portals, lists that include, at a minimum, the following: (1) the names, email addresses, and phone numbers of the contact persons for purposes of proactive power shutoffs for all entities included as critical facilities and infrastructure customers; and (2) the names, email addresses, and phone numbers of persons responsible for maintaining and updating this list for the



utility so critical facilities and infrastructure customers can easily provide the appropriate utility with updated contact information. All relevant stakeholders should review the lists on the utilities' PSPS secure web portals to verify that all critical facilities and infrastructure customers and the designated contact persons are correctly listed and, if errors or omission exist, contact the utility. These lists may be designated as confidential, to the extent required by law. The utilities must revise these lists immediately upon receipt of updated information from critical facilities and infrastructure.

29. Pacific Gas and Electric Company, Southern California Edison Company, and San Diego Gas & Electric Company must at the Joint Utility Public Safety Power Shutoff (PSPS) Working Group share all lessons learned and all best practices pertaining to all aspects of developing and maintaining updated lists of critical facilities and infrastructure customers on PSPS secure web portals.

30. Pacific Gas and Electric Company, Southern California Edison Company, and San Diego Gas & Electric Company must file and serve an annual report in Rulemaking (R.) 18-12-005 or a successor proceeding, which must identify, among other things, the status of the lists of critical facilities and infrastructure customers, including the last date updated, on their Public Safety Power Shutoff webpages. Further details of this annual report, including the date to be filed, will be determined in R.18-12-005.

31. Pacific Gas and Electric Company, Southern California Edison Company, and San Diego Gas & Electric Company must post on their existing Public Safety Power Shutoff (PSPS) secure web portals, within 120 days of the effective date of decision, lists that include, at a minimum, the following: (1) the names, email addresses, and phone numbers of the 24-hour primary and secondary points of contact for purposes of proactive power shutoffs for all entities included as

critical facilities and infrastructure customers; and (2) the names, email addresses, and phone numbers of persons responsible for maintaining and updating this list for the utility so critical facilities and infrastructure customers can easily provide the appropriate utility with updated contact information. All relevant stakeholders should review the list on the utilities' existing PSPS secure web portals to verify that 24-hour primary and secondary points of contact for all critical facilities and infrastructure are correctly listed and, if errors or omission exist, to contact the utility. These lists may be designated as confidential, to the extent required by law. The utilities must revise these lists immediately upon receipt of updated information from critical facilities and infrastructure customers.

32. Pacific Gas and Electric Company, Southern California Edison Company, and San Diego Gas & Electric Company must at the Joint Utility Public Safety Power Shutoff Working Group share all lessons learned and all best practices pertaining to all aspects of developing and maintaining updated lists of critical facilities and infrastructure customer 24-hour primary/secondary points of contact.

33. Pacific Gas and Electric Company, Southern California Edison Company, and San Diego Gas & Electric Company must file and serve an annual report in Rulemaking (R.) 18-12-005 or a successor proceeding, which identifies, among other things, the status of their lists, including the last date updated, of 24-hour primary and secondary points of contact for critical facilities and infrastructure customers. Further details of this annual report, including the date to be filed, will be determined in R.18-12-005.

34. Pacific Gas and Electric Company, Southern California Edison Company, and San Diego Gas & Electric Company must, for a minimum of five years, retain

records of their efforts in advance of each wildfire season to: (1) contact Medical Baseline customers, at least annually, to update contact information; (2) seek an alternative means of contact from Medical Baseline customers for Public Safety Power Shutoff events; (3) contact all customers that use electricity to maintain necessary life functions, at least annually, to update contact information; (4) seek an alternative means of contact from these customers for PSPS events; and (5) substantiate all efforts to work in advance of each wildfire season and during each wildfire season with local jurisdictions, in a proactive manner, to identify and communicate with all people in a de-energized area, including visitors. This documentation must be in a format readily accessible to Commission audit, as directed by the Commission's Safety and Enforcement Division.

35. Pacific Gas and Electric Company, Southern California Edison Company, and San Diego Gas & Electric Company must at the Joint Utility Public Safety Power Shutoff (PSPS) Working Group share all lessons learned and all best practices pertaining to developing and updating contact information and alternative means of contact regarding PSPS events for all Medical Baseline customers and customers that use electricity to maintain necessary life functions.

36. Pacific Gas and Electric Company, Southern California Edison Company, and San Diego Gas & Electric Company must file and serve an annual report in Rulemaking (R.) 18-12-005 or a successor proceeding, which confirms, among other things, that the utility (1) contacted its Medical Baseline customers, at least annually, to update contact information; (2) sought to obtain from Medical Baseline customers, at least annually, an alternative means of contact for Public Safety Power Shutoff (PSPS) events; (3) contacted all customers that use electricity to maintain necessary life functions, at least annually, to update contact information; and (4) sought to obtain from these customers that use electricity to

maintain necessary life functions, at least annually, an alternative means of contact for PSPS events. Further details of the annual report, including the date to be filed, will be determined in R.18-12-005.

37. Pacific Gas and Electric Company, Southern California Edison Company, and San Diego Gas & Electric Company must at the Joint Utility Public Safety Power Shutoff Working Group share all lessons learned and all best practices pertaining to working, in advance of each wildfire season and during each wildfire season, with local jurisdictions, in a proactive manner, to identify and communicate with all people in a de-energized area, including visitors.

38. Pacific Gas and Electric Company, Southern California Edison Company, and San Diego Gas & Electric Company must file and serve an annual report in Rulemaking (R.) 18-12-005 or successor proceeding, which confirms, among other things, they worked, in advance of each wildfire season and during each wildfire season, with local jurisdictions, in a proactive manner, to identify and communicate with all people in a de-energized area, including visitors. Further details of this annual report, including the date to be filed, will be determined in R.18-12-005.

39. Pacific Gas and Electric Company, Southern California Edison Company, and San Diego Gas & Electric Company must, for a minimum of five years, retain records to substantiate all efforts to develop notification and communication protocols and systems to reach all customers and communication in an understandable manner. This information must be in a format readily accessible to Commission audit, as directed by the Commission's Safety and Enforcement Division.

40. Pacific Gas and Electric Company, Southern California Edison Company, and San Diego Gas & Electric Company must at the Joint Utility Public Safety

Power Shutoff Working Group share all lessons learned and all best practices pertaining to developing notification and communication protocols and systems to reach all customers and communication in an understandable manner.

41. Pacific Gas and Electric Company, Southern California Edison Company, and San Diego Gas and Electric Company must file and serve an annual report in Rulemaking (R.) 18-12-005 or successor proceeding, which includes a detailed summary of efforts to develop, in advance of wildfire season, notification and communication protocols and systems to reach all customers and communicate in an understandable manner. This detailed summary must include, at a minimum, an explanation of the actions taken by the utility to ensure customers understand (1) the purpose of proactive de-energizations, (2) the process relied upon by the utility for initiating a Public Safety Power Shutoff (PSPS) event, (3) how to manage safely through a PSPS event, and (4) the impacts on customers if a proactive power shutoff is deployed by the utility. Further details of this annual report, including the date to be filed, will be determined in R.18-12-005.

42. Pacific Gas and Electric Company, Southern California Edison Company, and San Diego Gas & Electric Company must, for a minimum of five years, retain records to substantiate all efforts to develop notification strategy that considers, among other things, geographic and cultural demographics. (including a list of all languages used and where used and a list of all local and state public safety partners consulted) in advance of fire season. These records must be in a format readily accessible to Commission audit, as directed by the Commission's Safety and Enforcement Division.

43. Pacific Gas and Electric Company, Southern California Edison Company, and San Diego Gas & Electric Company must at the Joint Utility Public Safety Power Shutoff Working Group share all lessons learned and all best practices

pertaining to developing a notification strategy that considers, among other things, geographic and cultural demographics (including all languages used and where used) in advance of fire season.

44. Pacific Gas and Electric Company, Southern California Edison Company, and San Diego Gas & Electric Company must, for a minimum of five years, retain records to substantiate all efforts to develop and implement, in advance of wildfire season, a communications strategy to rely on during a proactive de-energization when restrictions due to the power loss exist. These records must be in a format readily accessible to Commission audit, as directed by the Commission's Safety and Enforcement Division.

45. Pacific Gas and Electric Company, Southern California Edison Company, and San Diego Gas & Electric Company must at the Joint Utility Public Safety Power Shutoff Working Group share all lessons learned and all best practices pertaining to developing and implementing, in advance of wildfire season, a communications strategy to rely on during a proactive de-energization when restrictions due to the power loss exist.

46. Pacific Gas and Electric Company, Southern California Edison Company, and San Diego Gas & Electric Company must file and serve an annual report in Rulemaking (R.) 18-12-005 or successor proceeding, which includes a detailed summary to substantiate all efforts to develop and implement, in advance of wildfire season, a communications strategy to rely on during a proactive de-energization when restrictions due to the power loss exist. This detailed summary must address how the utility worked in coordination with public safety partners to develop this communication strategy. Further details of this annual report, including the date to be filed, will be determined in R.18-12-005.

47. Pacific Gas and Electric Company (PG&E), Southern California Edison Company (SCE), and San Diego Gas & Electric Company (SDG&E) must at the Joint Utility Public Safety Power Shutoff (PSPS) Working Group share all lessons learned and all best practices pertaining to operational coordination with public safety partners. The Joint Utility PSPS Working Group must also work together to share all the enumerated items noted in the decision and relied upon by SDG&E to promote operational coordination. PG&E and SCE must incorporate these enumerated items into their de-energization protocols, to the greatest extent possible, within six months from the effective date of this decision. Pacific Gas and Electric Company, Southern California Edison Company, and San Diego Gas & Electric Company must file and serve an annual report in Rulemaking (R.) 18-12-005 or a successor proceeding, which identifies, among other things, all methods used to promote operational coordination with public safety partners. Further details of this annual report, including the date to be filed, will be determined in R.18-12-005.

48. Pacific Gas and Electric Company, Southern California Edison Company, and San Diego Gas & Electric Company each must, within 90 days of the effective date of this decision, engage, at a minimum three times, with (1) fire agencies and public safety partners located in their service territories in High Fire Risk Districts Tier 2 and 3 and work on plans to address the possibility of emergencies, including fires, arising during a proactive de-energization.

49. Pacific Gas and Electric Company, Southern California Edison Company, and San Diego Gas & Electric Company each must, within 30 days following the 90-day periods referred to above, file and serve reports in Rulemaking (R.) 18-12-005 describing the engagement with fire agencies and public safety partners in

their service territories in High Fire Risk Districts Tier 2 and 3, including the date/time of all meetings, attendees, topics discussed, and action items.

50. Pacific Gas and Electric Company, Southern California Edison Company, and San Diego Gas & Electric Company must at the Joint Utility Public Safety Power Shutoff Working Group share all lessons learned and all best practices pertaining to feedback from public safety partners on how utilities can improve their response to concurrent emergencies.

51. Pacific Gas and Electric Company, Southern California Edison Company, and San Diego Gas & Electric Company must file and serve an annual report in Rulemaking (R.) 18-12-005 or a successor proceeding, which identifies, among other things, all methods used to work with public safety partners to improve responses to concurrent emergencies. Further details of this annual report, including the date to be filed, will be determined in R.18-12-005.

52. Pacific Gas and Electric Company, Southern California Edison Company, and San Diego Gas & Electric Company must convey, in writing, to critical facilities and infrastructure customers whether or not the utility is responsible for providing the backup power (mobile or otherwise) before or during a de-energization to critical facilities and infrastructure and the extent of any responsibilities regarding such backup power.

53. Pacific Gas and Electric Company (PG&E) and Southern California Edison Company (SCE) must immediately initiate plans to develop a program similar to San Diego Gas & Electric Company's (SDG&E) program for assessing, deploying, and providing, to the extent required by law, for the needs of critical facilities and infrastructure customers for backup power during a de-energization, considering the components used by SDG&E identified in this



decision. SDG&E must share its backup power program with PG&E and SCE to assist the utilities in further developing their backup power programs.

54. Pacific Gas and Electric Company, Southern California Edison Company, and San Diego Gas & Electric Company must at the Joint Utility Public Safety Power Shutoff Working Group share all lessons learned and all best practices pertaining to all aspects of the backup power program and share all feedback from critical facilities and infrastructure customers on how the utilities are assisting these customers to meet their backup power needs related to pro-active de-energizations.

55. Pacific Gas and Electric Company, Southern California Edison Company, and San Diego Gas & Electric Company must provide the following information on backup power (including mobile backup power) in 10-day post-event reports with the name/email address of a utility contact for customers for each topic: (1) a description of the backup generators available for critical facility and infrastructure customers during a de-energization, (2) the capacity and estimated maximum duration of operation of the backup generators available, both before and during a de-energization, for critical facility and infrastructure customers, (3) the total number of backup generators provided to critical facility and infrastructure customers before and during the de-energization, and (4) how the utility deployed this backup generation to the critical facility and infrastructure customer's site before or during a de-energization, (5) an explanation of how the utility prioritized distribution of available backup generation before and during the de-energization, (6) an explanation of how the utility prioritized distribution of available backup power to customers before and during the de-energization, and (7) identification of the critical facility and infrastructure customers that received backup generation before and during the de-energization.

56. Pacific Gas and Electric Company (PG&E), Southern California Edison Company (SCE), and San Diego Gas & Electric Company (SDG&E) must maintain updated information on their websites regarding how critical facilities and infrastructure customers may request an assessment of their backup power needs. PG&E, SCE, and SDG&E also must maintain updated information on their websites regarding the availability of mobile backup generation and how critical facilities and infrastructure customers can request the utility to provide mobile backup power. This information must include, at a minimum, an email address to make requests for information and all other relevant information. PG&E, SCE, and SDG&E must promptly respond, within 24 hours, to all inquiries by critical facilities and infrastructure customers concerning backup power for use during a de-energization.

57. Pacific Gas and Electric Company, Southern California Edison Company, and San Diego Gas & Electric Company must file and serve an annual report in Rulemaking (R.) 18-12-005 or a successor proceeding, which identifies, among other things (1) actions taken to assess the overall backup power needs of critical facilities and infrastructure customers in advance of wildfire season, (2) the names of the critical facilities and infrastructure customers the utility engaged to assess backup power needs, the results of the utility assessment, and whether or not the critical facilities and infrastructure customer provided any needed backup power generation, and (3) actions taken to develop, implement, and improve utility partnerships with critical facilities and infrastructure customers on ongoing or evolving backup power needs. This customer information may be provided on a confidential basis, to the extent required by law. Further details of this annual report, including the date to be filed, will be determined in R.18-12-005.

58. Pacific Gas and Electric Company (PG&E) and Southern California Edison Company (SCE) must immediately initiate plans to develop a program similar to San Diego Gas & Electric Company's (SDG&E) program to (1) update contact lists for public safety partners on an ongoing basis and (2) conduct, at a minimum, two communications exercises prior to the wildfire season. The program should consider the components used by SDG&E identified herein. SDG&E must share its program to update its list of public safety partners and conduct communication exercises with public safety partners in advance of wildfire season with PG&E and SCE to assist the utilities to improve their programs.

59. Pacific Gas and Electric Company, Southern California Edison Company, and San Diego Gas & Electric Company must immediately take actions to address any problems or deficiencies identified during a communication exercise with public safety partners so these problems or deficiencies are resolved before the wildfire season.

60. Pacific Gas and Electric Company, Southern California Edison Company, and San Diego Gas & Electric Company must at the Joint Utility Public Safety Power Shutoff Working Group share all lessons learned and all best practices pertaining to all aspects of their programs to update lists of public safety partners and conduct communication exercises with public safety partners in advance of wildfire season.

61. Pacific Gas and Electric Company, Southern California Edison Company, and San Diego Gas & Electric Company must immediately initiate efforts to assist the Commission's Safety and Enforcement Division in developing a standardized 10-day post-event reporting template. The Safety and Enforcement Division will issue this template for the purpose of receiving comments by

parties in Rulemaking 18-12-005 within 30 days of the effective date of this decision.

62. Pacific Gas and Electric Company, Southern California Edison Company, and San Diego Gas & Electric Company must serve, via email, the Commission's Safety and Enforcement Division Director with the 10-day post-event reports and, should a utility require an extension of time to submit the post-event reports, the utility must submit a request for an extension of time in compliance with the Commission's Rules of Practice and Procedure and concurrently serve this request via email on the Commission's Safety and Enforcement Division Director.

63. Pacific Gas and Electric Company, Southern California Edison Company, and San Diego Gas & Electric Company must file the 10-day post-event reports in Rulemaking (R.) 18-12-005. Parties must also file their comments in response to the 10-day post-event reports in R. 18-12-005 and the public may provide informal comments via the Commission's website.

64. Pacific Gas and Electric Company, Southern California Edison Company, and San Diego Gas & Electric Company must serve, on the same day as filed with the Commission, the 10-day post-event reports as follows: (1) serve the report, as an attachment, via email on the service lists of Rulemaking (R.) 18-12-005 and R. 18-10-007 (or the successor proceedings) and all lead affected local and county public safety partners; (2) when serving the 10-day post-event report, include in the email a link to the report on utility's website; (3) when serving the report, include in the email instructions for how the public may submit comments (both formal and informal) to the Commission on the report; and (4) immediately after service of the 10-day post-event reports, reach out to all

affected public safety partners, via email, phone calls, and any other methods, to encourage affected public safety partners to file comments on the report.

65. Pacific Gas and Electric Company (PG&E), Southern California Edison Company (SCE), and San Diego Gas & Electric Company (SDG&E) must address, among other things, each element of Resolution ESRB-8 reporting requirements, as clarified herein, in the 10-day post-event reports, including the below and, if no information is available, PG&E, SCE, and SDG&E must respond to these Resolution ESRB-8 reporting requirements by indicating the reason this information is not available. PG&E, SCE, and SDG&E must collaborate with the Commission's Safety and Enforcement Division and incorporate Safety and Enforcement Division's input to develop a tracking system for complaints, as defined in this decision, consistent with Safety and Enforcement Division's directives so that Safety and Enforcement Division is able to access this data and confirm the utilities are accurately presenting the number of complaints received regarding PSPS events. As provided for in Resolution ESRB-8,, the 10-day post-event reports must also include the following:

- (a) identify who the utility contacted in the community prior to de-energization and whether the affected areas are classified as High Fire Threat District Tier 1, Tier 2, or Tier 3 (as defined in General Order 95, Rule 21.2-D22);

- (b) explain why notice could not be provided at least two hours prior to a de-energization, if such notice was not provided;

identify the number of and a summary of the complaints, meaning any expression of grief, pain, or dissatisfaction, formally filed court claims, and informally or formally filed Commission complaints received as a result of the PSPS event; provide a detailed description of the steps the utility used to restore power; and

- (c) address and describe each community assistance location during a de-energization event.

66. Pacific Gas and Electric Company, Southern California Edison Company, and San Diego Gas & Electric Company must provide aggregate data, as identified above, in an annual report, including aggregate data that may not have been available at the time the utility filed the 10-day post-event report and must contact the Commission's Safety and Enforcement Division if the utility requires additional guidance to ensure adequate reporting on the requirement to provide information on affected customers in the 10-day post-event reports. Further details of this annual report, including the date to be filed, will be determined in Rulemaking 18-12-005.

67. Pacific Gas and Electric Company (PG&E), Southern California Edison Company (SCE), and San Diego Gas & Electric Company (SDG&E) must clearly document, as required by Decision 19-05-043, the extent to which sectionalization was considered and implemented in the 10-day post-event reports and how sectionalization was used to limit the scope of a de-energization. PG&E, SCE, and SDG&E must each contact the Commission's Safety and Enforcement Division if the utility requires additional guidance to ensure adequate reporting on this requirement in the 10-day post-event reports.

68. Pacific Gas and Electric Company, Southern California Edison Company, and San Diego Gas & Electric Company must contact the Commission's Safety and Enforcement Division if the utility requires additional guidance to ensure adequate reporting on the requirement to provide a timeline and steps taken to restore power in the 10-day post-event reports.

69. Pacific Gas and Electric Company, Southern California Edison Company, and San Diego Gas & Electric Company must include, in the 10-day post-event report, a description of the de-energization threshold analyses, as part of lessons

learned reporting, and the results of the utility's examination of whether its thresholds are adequate and correctly applied in the de-energized areas.

70. Pacific Gas and Electric Company, Southern California Edison Company, and San Diego Gas & Electric Company must comply with all reporting requirements described herein pertaining to the Joint Utility Public Safety Power Shutoff (PSPS) Working Group.

82. Resolution L-598 (December 9, 2019) is modified to include cities. The *Order* of Resolution L-598 is modified as noted below:

The electric investor-owned utilities are authorized to share Medical Baseline information with county, city, and tribal government emergency response personnel, upon the county, city, or tribal government's request, when a PSPS protocol is initiated. (Resolution L-598 (December 9, 2019), Order 4 at 6.)

The electric investor-owned utilities are authorized to share with county, city, or tribal governments, upon the county, city, or tribal government's request, the addresses within their jurisdiction that are or will be impacted by planned or announced PSPS events. (Resolution L-598 (December 9, 2019), Order 4 at 6.)

The address data is to be shared solely for the purpose of allowing a county, city, or tribal government to identify with particularity the areas and addresses within the scope of a PSPS event and shall not be shared or used for any other purpose. (Resolution L-598 (December 9, 2019), Order 4 at 6.)

71. Investigation 19-11-013 is closed.

This order is effective today.

Dated \_\_\_\_\_, at San Francisco, California.