

Decision **PROPOSED DECISION OF COMMISSIONER A. REYNOLDS**
(Mailed 9/25/2025)

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

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

Rulemaking 18-12-005

**DECISION DENYING PETITION FOR MODIFICATION
OF DECISION 24-12-005****Summary**

This decision denies the petition for modification of Decision (D.) 24-12-005 filed by Center for Accessible Technology (CforAT) on July 1, 2025. In D.24-12-005, the Commission denied a motion seeking an order to show cause filed by CforAT as to why Southern California Edison Company should not be sanctioned for alleged public safety power shutoff customer notification failures during the wildfire season. The Commission's Safety and Enforcement Division has the authority to address CforAT's concerns through, for example, the compliance review process set forth in Commission Resolution M-4846.

This proceeding is closed.

1. Background

On December 13, 2018, the California Public Utilities Commission (Commission) opened Rulemaking (R.) 18-12-005 to "examine its rules allowing electric utilities under the Commission's jurisdiction to de-energize power lines in

case of dangerous conditions that threaten life or property in California.”¹ The Commission, through a series of decisions, established rules and guidelines applicable to electric investor-owned utilities’ decisions to de-energize power lines as a last resort measure to mitigate the risk of wildfire caused by electric utility infrastructure, a process referred to as public safety power shutoff (PSPS) events.² Finding that the issues within scope of R.18-12-005 had been addressed, the Commission in Decision (D.) 24-12-005 resolved the outstanding matters, including the motion filed by the Center for Accessible Technology (CforAT) on August 6, 2024 and closed the Rulemaking.³

The August 6, 2024 motion by CforAT, which the Commission denied, requested an order to show cause against Southern California Edison Company (SCE) for “substantial failures” to comply with the Commission’s customer notification requirements for PSPS events that occurred during the 2023 and 2024 wildfire seasons.⁴ In denying the August 6, 2024 motion filed by CforAT, the Commission in D.24-12-005 found that “the procedures relied upon by staff, e.g., the on-going review process conducted by the Commission’s Safety and Enforcement Division, are sufficient” and “the Commission retains the authority to issue an Order

¹ R.18-12-005, *Order Instituting Rulemaking to Examine Electric Utility De-Energization of Power Lines in Dangerous Conditions* (December 13, 2018) at 1. All documents filed in this rulemaking are available on the Commission’s website at the *Docket Card* by searching, R1812005.

² For example, D.19-05-042, *Decision Adopting De-Energization (Public Safety Power Shut-Off) Guidelines (Phase 1 Guidelines)*, (June 4, 2019); D.20-05-051, *Decision Adopting Phase 2 Updated and Additional Guidelines for De-Energization of Electric Facilities to Mitigate Wildfire Risk*, (June 5, 2020); D.21-06-034, *Decision Adopting Phase 3 Revised and Additional Guidelines and Rules for Public Safety Power Shutoffs (Proactive De-Energizations) of Electric Facilities to Mitigate Wildfire Risk Caused by Utility Infrastructure* (June 29, 2021).

³ D.24-12-005, *Decision Resolving Miscellaneous Matters and Closing Proceeding* (December 9, 2024).

⁴ *Motion of Center for Accessible Technology for Order to Show Cause Against Southern California Edison for Severe Notification Failures During the 2023 Wildfire Season* (filed August 6, 2024) at 1.

to Show Cause or initiate another appropriate enforcement action regarding these matters at any time.”⁵

Subsequently, on January 8, 2025, CforAT filed an application for rehearing of D.24-12-005 on the basis that the Commission committed legal error for failure to (1) ensure the electric utilities execute PSPS events in compliance with Public Utilities Code (Pub. Util. Code) Sections 451 and 399.2(a), and (2) demonstrate reasoned agency decision-making as mandated by the California Supreme Court. The Acton Town Council timely filed a response in support of CforAT’s application for rehearing. No other responses were filed.

On April 3, 2025, the Commission issued D.25-04-019 denying CforAT’s request for rehearing of D.24-12-005 finding that CforAT failed to demonstrate any legal error warranting rehearing.⁶

On July 1, 2025, CforAT filed this petition for modification of D.24-12-005. The petition essentially requests that the Commission revisit its denial in D.24-12-005 of CforAT’s August 6, 2024 motion for an order to show cause against SCE “for its administration of the Commission’s de-energization requirements in wildfire seasons 2023 and 2024.”⁷ The petition also requests the Commission to consider developments since December 2024 pertaining to wildfires in SCE’s service territories and PSPS events.⁸

The July 1, 2025 petition generally asserts that SCE’s performance has worsened since December 2024 when the Commission issued D.24-12-005 and that,

⁵ D.24-12-005, *Decision Resolving Miscellaneous Matters and Closing Proceeding* (December 9, 2024) at 18-19.

⁶ D.25-04-019, *Order Denying Rehearing of Decision 24-12-005* (April 4, 2025) at 2.

⁷ *Center for Accessible Technology’s Petition for Modification of D.24-12-005 Denying Motion for OSC and Closing Proceeding* (filed July 1, 2025) at 60 and Appendix A, Proposed Modifications to D.24-12-005.

⁸ *Center for Accessible Technology’s Petition for Modification of D.24-12-005 Denying Motion for OSC and Closing Proceeding* (filed July 1, 2025) at 27-28.

according to CforAT, SCE has not presented any meaningful action plan for addressing its deficient performance.⁹ The petition further asserts that the Commission's Safety and Enforcement Division's compliance review processes are inadequate to address the concerns raised now and in CforAT's August 6, 2024 motion. The Utility Reform Network and City of Moorpark and Kern County (jointly) timely filed responses in support of the July 1, 2025 petition. CforAT timely filed a reply to responses.

2. Procedural Requirement & Standard of Review

Rule 16.4 of the Commission's Rules of Practice and Procedure governs petitions for modification. Rule 16.4 derives its authority from Pub. Util. Code Section 1708, which authorizes the Commission to rescind, alter, or amend any decision made by it.

Among other things, Rule 16.4 sets forth certain procedural requirements. The rule requires petitions for modification to concisely state the justification for the requested relief and to propose specific wording to carry out the requested modifications to the underlying decision; any factual allegations must be supported with specific citations to the record in the proceeding or to matters that may be officially noticed; allegations of new or changed facts must be supported by an appropriate declaration or affidavit.¹⁰ Rule 16.4 further requires petitions for modification to be filed and served on all parties to the proceeding, in which the decision proposed to be modified was made, within one year of the effective date of the decision proposed to be modified; if more than one year has elapsed, the

⁹ *Center for Accessible Technology's Petition for Modification of D.24-12-005 Denying Motion for OSC and Closing Proceeding* (filed July 1, 2025) at 37-44.

¹⁰ Rule 16.4(b), Commission's Rules of Practice and Procedure.

petition must explain why the petition could not have been presented within one year of the effective date of the decision.¹¹

CforAT's petition, having been filed and served within one year of the effective date of D.24-12-005 meets the requirements of Rule 16.4(c) and (d). The petition also proposes specific wording to carry out its requested modifications to the underlying decision, states the justification for the requested relief, and provides supporting citations and declaration of alleged new facts, in accordance with Rule 16.4(b). As such, CforAT meets the procedural requirements set forth in Rule 16.4.

Regarding the standard of review, the Commission considers whether CforAT's petition meets the substantive burden, pursuant to Rule 16.4, to demonstrate that the Commission should exercise its discretion to modify D.24-12-005. The Commission has considerable discretion when ruling on a petition for modification.¹² At the same time, the Commission's exercise of authority under Pub. Util. Code Section 1708 is an "'extraordinary remedy' that must be 'sparingly and carefully applied.'"¹³ The Commission addresses these substantive requirements below.

3. Discussion

The Commission is not persuaded by CforAT's declaration that new facts warrant the reopening of R.18-12-005 for the purpose of modifying D.24-12-005 to issue an order to show cause for SCE's administration of PSPS events during the 2023 and 2024 wildfire seasons. The Commission relies upon our findings in D.24-12-005¹⁴ that the Commission's Safety and Enforcement Division's on-going review

¹¹ Rule 16.4(c) and (d), Commission's Rules of Practice and Procedure.

¹² Rule 16.4, Commission's Rules of Practice and Procedure; *see also*, *PG&E Corp. v. Public Utilities Com.* (2004) 118 Cal.App.4th 1174, 1215 (Pub. Util. Code Section 1708, which authorizes the Commission to "rescind, alter, or amend any order or decision made by it" is permissive).

¹³ D.17-11-028 at 7; D.98-10-032 at 2.

¹⁴ D.24-12-005, *Decision Resolving Miscellaneous Matters and Closing Proceeding* (December 9, 2024) Findings of Fact 24 and 25 at 23-24.

process for PSPS events is a sufficient process to address the concerns raised by CforAT. As stated therein, the Commission's procedures, including, but not limited to, those presented in Resolution M-4846 (November 5, 2020),¹⁵ are sufficient to address the concerns raised by CforAT. In addition, the Commission has the authority to issue an order to show cause at any time.

Therefore, CforAT's July 1, 2025 petition for modification is denied. Notwithstanding the denial of the petition, the Commission notes that it retains authority to issue, upon its own motion, an order to show cause or initiate other appropriate enforcement action regarding these matters. The Commission may at any time implement appropriate regulatory tools to ensure electric utility safety and compliance with the PSPS guidelines, including but not limited to those presented in Commission Resolution M-4846 (November 5, 2020).

4. Summary of Public Comment

Rule 1.18 allows members of the public to submit written comment in any Commission proceeding using the *Public Comment* tab of the online *Docket Card* for that proceeding on the Commission's website. Rule 1.18(b) requires that relevant written comment submitted in a proceeding be summarized in the final decision issued in that proceeding.

The Commission received no public comments on the topic of this petition.

5. Comments on Proposed Decision

The proposed decision of President Alice Reynolds in this matter was mailed to the parties in accordance with Section 311 of the Public Utilities Code and

¹⁵ Commission Resolution M-4846 (November 6, 2020) *Resolution Adopting Commission Enforcement Policy*. The Commission adopted Resolution M-4846 in furtherance of an effective enforcement program to improve compliance with rules and regulations by utilities and other entities subject to Commission jurisdiction, which improves safety for employees, customers and the public. The resolution establishes enforcement guidelines and a penalty assessment methodology, and authorizes Commission staff to draft proposed Administrative Consent Orders and Administrative Enforcement Orders for Commission review and disposition.

comments were allowed under Rule 14.3 of the Commission's Rules of Practice and Procedure. CforAT timely filed comments; the Commission received no reply comments.

The Commission has considered the party comments and no changes have been made to the proposed decision.

6. Assignment of Proceeding

President Alice Reynolds is the assigned Commissioner and Regina M. DeAngelis and Valerie U. Kao are the assigned Administrative Law Judges in this proceeding.

Findings of Fact

1. The Commission's Safety and Enforcement Division's ongoing review processes for PSPS events are sufficient process to address the concerns raised by CforAT's July 1, 2025 petition for modification of D.24-12-005.

2. The Commission has the authority to issue, on its own motion, an order to show cause or initiate another appropriate enforcement action regarding these matters at any time in the future.

Conclusions of Law

1. It is reasonable to find that the Commission has the authority to address CforAT's concerns through, among other means, the compliance review process set forth in Resolution M-4846 (November 5, 2020).

2. Under existing law, the Commission has the authority to issue an order to show cause or initiate another appropriate enforcement action regarding matters raised by CforAT's July 1, 2025 petition at any time in the future.

O R D E R

IT IS ORDERED that:

1. The July 1, 2025 petition for modification of Decision 24-12-005 filed by Center for Accessible Technology is denied.
2. Rulemaking 18-12-005 is closed.

This order is effective today.

Dated , at Sacramento, California