Decision **PROPOSED DECISION OF COM DOUGLAS (Mailed 7/31/2026)**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Order Instituting Rulemaking to Develop and Adopt Fire-Threat Maps and Fire-Safety Regulations.	Rulemaking 15-05-006

DECISION ADDRESSING PETITION TO MODIFY DECISION 17-12-024

Summary

This decision partially grants a petition for modification of Decision 17-12-024, filed by Southern California Edison Company (SCE) for modifications to the boundaries of the High Fire-Threat District in its service territory. SCE's proposed addition of 47 areas to the High Fire-Threat District is approved while removal of 61 areas from the High Fire-Threat District is denied. The Commission's Safety Policy Division is directed to hold a workshop in 2027 on future proposed modifications to the Commission's High Fire-Threat District Map.

This proceeding is closed.

1. Background

The purpose and scope of this proceeding was to develop and adopt fire-threat maps and to assess the need for new fire-safety regulations based on the adopted fire-threat maps.[1]

In Decision (D.) 17-01-009, as modified by D.17-06-024, the California Public Utilities Commission (Commission or CPUC) adopted a work plan for developing a map that designates areas of the state of California "where there is an elevated hazard for utility-associated wildfires to occur and spread rapidly, and where communities face an elevated risk from utility-associated wildfires."[2] This map is commonly referred to as the CPUC Fire-Threat Map (previously referred to as Fire Map 2) and comprises two map sources and includes three fire-threat areas:

- **Zone 1** consists of Tier 1 High-Hazard Zones (HHZs) from the United States Forest Service (USFS) and California Department of Forestry and Fire Protection (CAL FIRE) joint map of Tree Mortality HHZs. Tier 1 HHZs are in direct proximity to communities, roads, and utility lines, and are a direct threat to public safety.
- **Tier 2** consists of areas on the CPUC Fire-Threat Map where there is an elevated risk (including likelihood and potential impacts on people and property) from wildfires associated with overhead utility power lines or overhead utility power-line facilities also supporting communication facilities.

[1] *Assigned Commissioner's Scoping Memo and Ruling*, issued July 15, 2016 at 2.

[2] D.17-01-009 *Decision Adopting a Work Plan for the Development of Fire Map 2*, issued January 20, 2017 (D.17-01-009) at 2-3 and Finding of Fact 1. D.17-06-064 *Decision Amending the Work Plan for the Development of Fire Map 2*, issued June 30, 2017 (D.17-06-024) at 3-4 and Finding of Fact 1.

- **Tier 3** consists of areas on the CPUC Fire-Threat Map where there is an extreme risk (including likelihood and potential impacts on people and property) from wildfires associated with overhead utility power lines or overhead utility power-line facilities also supporting communication facilities. Tier 3 is distinguished from Tier 2 by having the highest likelihood of utility-associated fire initiation and growth that would impact people or property, and where the most restrictive utility regulations are necessary to reduce utility fire risk.[3]

Together, Zone 1, Tier 2 and Tier 3 constitute the High Fire-Threat District.

In D.17-12-024 the Commission adopted regulations to enhance fire safety in the High Fire-Threat District. These fire-safety regulations aim to reduce the fire hazards associated with overhead power-line facilities and aerial communication facilities located in close proximity to overhead power lines, and are contained in the Commission's General Orders (GO) 95, 165 and 166, and Rule 11 of each of the electric investor-owned utilities' (IOU) electric tariff rules.

Pursuant to the adopted work plan, Pacific Gas and Electric Company and San Diego Gas & Electric Company submitted a joint advice letter for approval of the CPUC Fire-Threat Map on January 5, 2018. On January 19, 2018, the CPUC Fire-Threat Map was approved via staff approval of the joint advice letter.[4]

On August 19, 2019, Southern California Edison Company (SCE) filed a petition to modify D.17-12-024, in order to add 43 areas to the High Fire-Threat

[3] Further information about and Internet access to the CPUC Fire-Threat Map is available at the following uniform resource locator (url): https://www.cpuc.ca.gov/industries-and-topics/wildfires/fire-threat-maps-and-fire-safety-rulemaking

[4] Joint Advice Letter 5211-E (PG&E) / 3172-E (SDG&E).

District. Although D.17-01-009, as modified by D.17-06-024 and D.17-12-024, expressed an expectation that the Shape C Map component of the Fire-Threat Map would remain unchanged for ten years, that expectation did not preclude subsequent Commission-approved modifications. Consistent with that discretion, in D.20-12-030 the Commission approved SCE's petition to modify the boundaries of the High Fire-Threat District within and near its service territory. D.20-12-030 did not otherwise modify the frequency or means of updates to the CPUC Fire-Threat Map.

On November 8, 2024, SCE filed the instant petition for modification of D.17-12-024, requesting Commission approval of specific modifications to the High Fire-Threat District boundaries in its service territory. These modifications are separate from and additional to those addressed in D.20-12-030. The proposed modifications would add approximately 208 square miles to the High Fire-Threat District and remove approximately 168 square miles from the High Fire-Threat District.[5]

The Public Advocates Office at the Public Utilities Commission timely filed a response to the petition on December 9, 2024, generally concurring with SCE's proposed modifications to the High Fire-Threat District boundaries.

2. Jurisdiction

The California Constitution and the California Public Utilities Code (Pub. Util. Code) provide the Commission with broad jurisdiction to adopt regulations

[5] *Southern California Edison Company's (U 338-E) Petition for Modification of Decision 17-12-024 to Update High Fire-Threat District Boundaries in its Service Territory*, filed November 8, 2024 (Petition) at 5.

regarding the safety of utility facilities and operations.[6] Utilities are required by Pub. Util. Code Section 702 to "obey and comply" with such requirements.[7]

Pub. Util. Code Section 451 states that "[e]very public utility shall furnish and maintain such adequate, efficient, just, and reasonable service, instrumentalities, equipment, and facilities, including telephone facilities… as are necessary to promote the safety… of its patrons, employees, and the public." Section 8386(a) states that "[e]ach electrical corporation shall construct, maintain, and operate its electrical lines and equipment in a manner that will minimize the risk of catastrophic wildfire posed by those electrical lines and equipment."

In addition to the Commission's broad jurisdiction to regulate utilities, Pub. Util. Code Sections 8002, 8037, and 8056 provide the Commission with authority to adopt and enforce rules governing electric transmission and distribution facilities of publicly owned utilities for the purpose of protecting the safety of employees and the general public.

The Commission's comprehensive jurisdiction over matters of public safety associated with utility facilities extends to attachments to utility poles by communications infrastructure providers. Specifically, 47 U.S.C. Section 224 provides that the Federal Communications Commission (FCC) does not have "jurisdiction [under 47 U.S.C. Section 224] with respect to rates, terms, and conditions, or access to poles, ducts, conduits, and rights-of-way as provided in subsection (f) for pole attachments in any case where such matters are regulated

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[6] Cal. Constitution, Art. XII, §§ 3 and 6, and Pub. Util. Code §§ 216, 701, 761, 768, 770, 1001, 8037, and 8056. *See* also SDG&E v. Cal. Super. (1996) 13 Cal.4th 893, 923-924.

[7] *See* also Pub. Util. Code §§ 761, 762, 767.5, 768, 770.

by a State." The Commission has certified to the FCC that the Commission regulates such matters in conformance with 47 U.S.C. Sections 224(c)(2) and (3).[8] Further, under 47 U.S.C. Section 253(b) the Commission may adopt regulations to protect public safety and welfare.

Likewise, the Cable Communications Policy Act of 1984 specifically grants states jurisdiction over cable service in safety matters. (47 U.S.C. Section 556(a).) The California Legislature asserted such jurisdiction in Pub. Util. Code Section 768.5, which gives the Commission authority to regulate cable companies with respect to the safe operation, maintenance, and construction of their facilities.

The Commission has enacted an extensive set of safety regulations governing utility facilities and operations, a major goal of which is to minimize fire hazards. Accordingly, the Commission has authority to create and modify the boundaries of the High Fire-Threat District in SCE's service territory.

3. Standard of Review and Discussion

Rule 16.4 of the Commission's Rules of Practice and Procedure (Rules) governs petitions for modification. Rule 16.4 derives its authority from Pub. Util. Code Section 1708 that allows the Commission to rescind, alter, or amend any decision made by it. The Commission has considerable discretion when ruling on a petition for modification.[9] In addressing the petition, we consider whether the

[8] D.98-10-058, 82 CPUC2d 510, 531, as modified by D.00-04-061, 6 CPUC3d 1, 5.

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

petitioner met its substantial burden, pursuant to Rule 16.4(b), to demonstrate that the Commission should exercise its discretion to modify D.17-12-024.

Rule 16.4(c) also requires a petition for modification to be filed and served on the all parties to the proceeding in which the decision proposed to be modified was made or, if more than one year has elapsed, the petition must also explain why the petition could not have been presented within one year of the effective date of the decision.

The petition attaches a detailed analysis, based on "evaluations conducted by a multi-disciplinary team of SCE employees with subject matter expertise in fire management and response, fire behavior, fuels, meteorology, grid operations, risk management, wildfire operations, and geospatial analysis" in support of each of the polygons that SCE proposes to add or remove from the High Fire-Threat District.[10] The petition explains that SCE did not complete the analysis supporting the petition until 2024, based on the most recent wildfire risk information available; therefore, the petition could not have been presented within one year after the effective date of D.17-12-024.

With respect to SCE's proposed additions to the High Fire-Threat District in its service territory, the petition explains that SCE used an updated fuel map based on recent and spatially granular data to identify areas outside of the current High Fire-Threat District boundaries containing burnable fuels, where wildfire risk may be elevated because of the presence of fuels, which could lead to ignitions that may spread rapidly. Approval of these proposed additions to

[10] Petition at 5.

the High Fire-Threat District would enhance public safety because stricter fire-safety regulations would apply to these areas, in which SCE's analysis indicates an elevated or extreme wildfire risk. It is possible that SCE will incur additional but unquantified costs to implement stricter fire-safety regulations in these new areas. This decision finds that the additional costs, if any, will be exceeded by the substantial public safety benefits of the proposed additions. Therefore, the proposed additions of 47 polygons, A1 through A47 (inclusive) as detailed in Appendix C of the petition, are approved. Consistent with D.17-12-024, SCE must demonstrate the reasonableness of any incremental costs incurred to implement stricter fire-safety regulations in the new areas of the High Fire-Threat District approved by this decision.[11]

Although SCE submitted a detailed technical analysis in support of both the proposed additions and removals, the Commission finds that the record does not sufficiently demonstrate that wildfire risk in the proposed removal areas has declined to such an extent that enhanced fire-safety regulations are no longer warranted. Given the inherent uncertainty associated with fuel conditions, weather patterns, and wildfire behavior, and in light of the substantial public safety benefits served by the existing fire-safety regulations, the Commission finds that SCE has not made a sufficiently persuasive showing that these protections should be removed.

With respect to all remaining proposed modifications, which would remove 61 polygons or areas from the High Fire-Threat District in SCE's service

[11] D.17-12-024 at 127-128, Conclusion of Law 8 and Ordering Paragraph 9.

territory, the Commission is not persuaded to approve this aspect of the petition. Approval of these proposed removals from the High Fire-Threat District raises wildfire risk because stricter fire-safety regulations would no longer apply to these areas. It is likely that SCE would incur fewer but unquantified costs to discontinue implementation of stricter fire-safety regulations in these areas. This decision does not find that the reduction in costs exceeds the substantial public safety benefits of retaining these areas in the High Fire-Threat District. Therefore, the proposed removal of 61 polygons, R1 through R61 (inclusive), as detailed in Appendix C of the petition, is denied.

4. Implementation of Approved Changes to the CPUC Fire-Threat Map

As a result of the modifications to the High Fire-Threat District adopted by this decision, there are new areas in SCE's service territory to which the fire-safety regulations adopted in D.17-12-024 will apply. The Commission finds that providing until January 1, 2027, to implement the applicable fire-safety regulations in the newly designated areas provides a reasonable transition period while ensuring that the public safety benefits associated with those regulations are realized without undue delay. Accordingly, the Commission's fire-safety regulations shall be fully implemented in these newly designated areas of the High Fire-Threat District no later than January 1, 2027, including full compliance with requirements pertaining to the frequency of inspections, vegetation clearances, correction timeframes, etc.

Consistent with the work plan for developing the CPUC Fire-Threat Map, we direct SCE to submit an advice letter to seek approval of modifications to the CPUC Fire-Threat Map, as approved in this decision. The modified CPUC Fire-

Threat Map, reflecting the modifications approved by this decision, will become effective upon staff approval of SCE's advice letter implementing those modifications (whether by disposition or resolution). Staff review of the advice letter is limited to ensuring that the revised CPUC Fire-Threat Map accurately reflects the modifications approved by this decision. Commission staff shall update the relevant links on the Commission's Fire-Threat Map webpage no later than 30 days after staff approves SCE's advice letter.

5. Closure of Rulemaking 15-05-006

With this decision's disposition of SCE's petition, Rulemaking 15-05-006 has no outstanding matters requiring Commission action. Therefore, this decision closes Rulemaking 15-05-006.

However, the Commission directs the Safety Policy Division to conduct a workshop in 2027 on future proposed modifications to the CPUC Fire-Threat Map.

6. Summary of Public Comment

Rule 1.18 allows any member 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(a) requires that all written public comment submitted prior to the submission of the proceeding are part of the administrative record of the proceeding. 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 relevant written comments as of the issue date of the proposed decision.

7. Procedural Matters

This decision affirms all rulings made by the Administrative Law Judge and assigned Commissioner in this proceeding. All motions not ruled on are deemed denied.

8. Comments on Proposed Decision

The proposed decision of Commissioner Karen Douglas 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. SCE timely filed comments, and no party filed reply comments. SCE requests that the proposed decision be modified to specify that utilities can propose modifications to the High Fire-Threat District by submitting a Tier 2 advice letter until the Commission formalizes a longer-term framework; alternatively, SCE requests that the Commission convene a workshop before the end of 2026 to establish the criteria sufficient for modifications to the High Fire-Threat District. SCE also requests that the proposed decision be modified to set forth the criteria that must be satisfied for the Commission to approve proposed removals of locations from the High Fire-Threat District.

No changes were made to the proposed decision in response to party comments. With respect to SCE's first request, Rule 16.4 of the Commission's Rules provides that any party may file a petition to modify a decision in this proceeding, just as SCE did for this decision. With respect to SCE's second request, the criteria to determine which tier a given area should be classified as

remain unchanged, as described in D.20-12-030 approving SCE's August 19, 2019 petition for modification.[12]

9. Assignment of Proceeding

Karen Douglas is the assigned Commissioner and Valerie U. Kao is the assigned Administrative Law Judge in this proceeding.

Findings of Fact

1. D.17-01-009 (as modified by D.17-06-024) established a process for development of the Commission's Fire-Threat Map.

2. D.17-12-024 adopted regulations to enhance fire safety in the High Fire-Threat District, including a process for approval of a High Fire-Threat District Map or Fire-Threat Map.

3. On November 8, 2024, SCE filed a petition for modification of D.17-12-024 to recommend modifications to certain High Fire-Threat District boundaries in SCE's service area. Appendix C to the petition constitutes a granular and detailed risk-based analysis to support its proposed modifications.

4. SCE supported its proposed additions and removals with a detailed multidisciplinary analysis based on fuel conditions, wildfire behavior, meteorology, and geospatial information.

5. Addition of areas to the High Fire-Threat District would enhance public safety because stricter fire-safety regulations would apply to these areas. The additional costs to implement stricter fire-safety regulations to these new areas, if any, are exceeded by the substantial public safety benefits of the proposed additions.

[12] D.20-12-030 at 5.

6. The record does not sufficiently demonstrate that wildfire risk in the proposed removal areas has declined to such an extent that enhanced fire-safety regulations are no longer warranted.

7. Removal of areas from the High Fire-Threat District would remove the implementation of stricter fire-safety regulations in these areas.

8. Providing SCE until January 1, 2027, to implement the applicable fire-safety regulations in the newly designated areas provides a reasonable transition period while ensuring that the public safety benefits associated with those regulations are realized without undue delay.

Conclusions of Law

1. The Commission has broad jurisdiction to adopt regulations regarding the safety of utility facilities and operations.

2. It is reasonable to grant the petition with respect to proposed additions to the High Fire-Threat District in SCE's service territory, because stricter fire-safety regulations would apply and thereby reduce wildfire risk in these areas.

3. It is reasonable to deny the petition with respect to the proposed removals because the record does not sufficiently demonstrate that wildfire risk in those areas has declined to such an extent that enhanced fire-safety regulations are no longer warranted.

4. It is reasonable to deny the petition with respect to proposed removals of certain areas from the High Fire-Threat District in SCE's service territory, because removal of these areas would eliminate stricter fire-safety regulations and thereby raise wildfire risk in these areas.

5. It is reasonable to apply the fire-safety regulations adopted in D.17-12-024 to the newly designated areas of the High Fire-Threat District, as adopted in this decision, as quickly as possible.

6. It is reasonable to require full implementation of the applicable fire-safety regulations in the newly designated areas of the High Fire-Threat District by January 1, 2027, because that date provides a reasonable transition period while ensuring timely realization of the public safety benefits associated with those regulations.

O R D E R

IT IS ORDERED that:

1. The November 8, 2024, petition for modification of Southern California Edison Company (SCE) is partially granted, with the inclusion of 47 additional areas in SCE's service territory added to the High Fire-Threat District, as shown in Attachment C of the petition.

2. Within 30 days after the issue date of this decision, Southern California Edison Company (SCE) must submit a Tier 1 advice letter to implement the changes to the California Public Utilities Commission (Commission) Fire-Threat Map approved by this decision. The revised Commission Fire-Threat Map, reflecting the boundaries approved herein, will become effective upon staff approval of SCE's advice letter (whether by staff disposition or resolution). Staff review of the advice letter is limited to ensuring that the revised Commission Fire-Threat Map accurately reflects the changes approved by this decision. Commission staff shall update the relevant links on the Commission's Fire-

Threat Map webpage no later than 30 days after staff approves SCE's advice letter.

3. Within two business days after receiving a written request, Southern California Edison Company shall make available to interested persons a geographic information systems shapefile depicting accurate and specific information regarding the revised High Fire-Threat District boundaries.

4. The fire-safety regulations adopted in Decision 17-12-024 shall be fully implemented in the newly designated areas of the High Fire-Threat District, adopted in Ordering Paragraph 1 of this decision, no later than January 1, 2027.

5. The Commission's Safety Policy Division staff are directed to hold a workshop on future proposed modifications to the CPUC Fire-Threat Map in 2027.

6. Rulemaking 15-05-006 is closed.

This order is effective today.

Dated _____, at Sacramento, California.