

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



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Petition of San Diego Gas & Electric Company
(U 902 E) to Adopt, Amend, or Repeal a Regulation
Pursuant to Pub. Util. Code § 1708.5

Petition 07-11- P0711007

**PETITION OF
SAN DIEGO GAS & ELECTRIC COMPANY (U 902 E)
TO ADOPT, AMEND, OR REPEAL A REGULATION
PURSUANT TO PUBLIC UTILITIES CODE § 1708.5**

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November 6, 2007

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I.

INTRODUCTION

Pursuant to Public Utilities Code § 1708.5 and Rule 6.3 of the Commission’s Rules of Practice and Procedure, San Diego Gas & Electric Company (“SDG&E”) files this Petition requesting that the Commission issue an Order Instituting Rulemaking (“OIR”) to determine on a statewide basis whether additional regulations or rules should be adopted with respect to disaster preparedness and management, particularly in the context of General Order (“GO”) 95, which governs the construction, operation, and maintenance for overhead electric lines of all types. Petitioner also recommends that, in evaluating possible changes to GO 95 and related issues, the Commission consider how best to coordinate the efforts of the many agencies, local jurisdictions, municipalities, and

other stakeholders involved in disaster preparedness, response, and recovery.^{1/} Along these lines, the California Independent System Operator (“CAISO”) and the California Department of Forestry and Fire Protection (“Cal Fire”) will in particular likely be able to provide the Commission with important perspectives and essential information as this OIR effort unfolds. Issuing this OIR will assist the Commission and the utilities in promoting their mutual goals of continuing to ensure public safety, particularly during times of crisis resulting from disasters such as the recent extremely strong Santa Ana winds that significantly contributed to catastrophic fires in Southern California.

II.

BACKGROUND

Following the recent fires in Southern California, the time is right to assess and evaluate whether the Commission should develop statewide disaster preparedness and management measures for public utilities beyond the construction, maintenance, and operational standards currently set forth in GO 95. Despite California’s history of disasters and existing emergency preparedness, utilities and their customers remain vulnerable to catastrophic winds, earthquakes, floods, and terrorist attacks. As such, prospective changes in facility construction, maintenance, and operations may be useful to bolster readiness for disaster situations, or avoid them altogether, and to protect public utilities and their customers from the impacts of these cataclysmic events.

As the Commission is well aware, the San Diego region experienced major fires in October of 2003, now generally referred to as the Cedar Fire, which burned out of

^{1/} It is not possible to list here all of the entities and agencies, including those that address environmental matters, that would potentially be relevant participants in this proceeding, although these entities could be more specifically identified as steps are taken to prepare the OIR.

control through a large area. Driven by fierce Santa Ana winds, that fire burned approximately 400,000 acres, destroyed approximately 2,500 homes, and killed 15 people (including one firefighter) before being contained on November 3, making it the largest fire in recorded California history.^{2/} The Cedar Fire was one of 15 fires throughout Southern California that year, which was part of the “Fire Siege of 2003.”^{3/} In the wake of the 2003 fires, California Governor Gray Davis declared a state of emergency and activated the National Guard to assist in the disaster relief process, and President George W. Bush declared Los Angeles, San Bernardino, San Diego and Ventura counties major disaster areas.

On a similarly disastrous scale, the October 2007 California wildfires began burning across Southern California on October 20, and recent information indicates that approximately 1,600 homes were destroyed and approximately 400,000 acres of land burned from Santa Barbara County to the U.S.–Mexico border. As of October 22, 18 active fires were burning in the region.^{4/} It is reported that at least seven people died as a direct result of the fire and 85 others were injured, including at least 61 fire fighters. California Governor Arnold Schwarzenegger declared a state of emergency in seven California counties where fires were burning, and President George W. Bush declared an emergency in California and ordered federal aid to supplement state and local response efforts.^{5/} Over 6,000 firemen worked to fight these blazes aided by, among others, units

^{2/} California Fire Siege 2003, The Story, U. S. Forest Service, California Dept. of Forestry and Fire Protection; see also

http://www.lakesidehistory.org/CedarFire/cedar_fire_memorial.htm.

^{3/} The Story-One Year Later: An After Action Review, U.S. Forest Service, http://www.fs.fed.us/r5/fire/information/story/part_1.pdf.

^{4/} Southern California Fire Report, *CalFires.com*, State of California, October 22, 2007.

^{5/} White House Press Release, October 23, 2007, Statement on Federal Disaster Assistance for California.

of the United States Armed Forces, National Guard, and firefighters from the Mexican cities of Tijuana and Tecate.

III.

ISSUES TO BE ADDRESSED IN THE PROPOSED OIR

Both of these firestorm events include among their major contributing factors severe and prolonged drought in Southern California, hot and dry weather, and unusually strong Santa Ana winds reported to reach at times 85 mph. While Cal Fire five-year history data shows only 3% of the fires in California involved power lines, the recent fires have raised questions about power lines and their relationship to the fires, particularly in rural and rugged terrain areas. This Petition is not intended to offer extensive detail on the subject of utility disaster management, nor does it propose specific rules or regulations that should be adopted or amended in the context of GO 95. Rather, the Petition identifies in broad terms the issues that should be explored in greater depth as part of this OIR. The Commission will no doubt call for comments prior to adopting this OIR to amplify and expand upon the areas that might be addressed in this proceeding.

One broad topic that should be addressed in this OIR is whether all rights-of-way for overhead electrical lines in rural, fire-prone areas should be void of vegetation and be of a certain minimum width. Petitioner understands that this practice has been widely adopted outside of California, particularly on the East Coast. Another important area of inquiry should be whether in rural areas, where fire suppression assets are not sufficient, there should be different operating standards when extreme weather and fire conditions are present or expected. Thus, Petitioner suggests that the Commission include the following areas of inquiry in this OIR:

- Operations -- Whether to operate rural lines differently during emergency situations (e.g., during high winds, low humidity, and/or extended drought).
- Facilities -- Whether some rural lines should be placed underground, and if so, how to fund these efforts (e.g., expand the Rule 20A program); whether steel poles should be used in rural, fire-prone areas as opposed to wood; and whether line span lengths should be shortened or other design considerations should be taken into account that might mitigate the impacts from potential hazards.
- Interface among Agencies (e.g., Cal Fire, Forest Service, CAISO, WECC/NERC, and environmental agencies), Municipalities, Local Jurisdictions, and Utilities -- How best to coordinate efforts among agencies, municipalities, local jurisdictions, and utilities to ensure the most efficient and effective disaster management practices.
- Land use issues in rural areas, such as maintaining rights-of-way that are free of vegetation and of a minimum width in certain fire-prone areas.
- Possible development of a detailed and statewide Disaster Management Plan, including consideration of funding that might be necessary to implement the Plan.

IV.

CONCLUSION

As described above, SDG&E urges the Commission to issue a statewide OIR to consider whether to adopt additional or modified regulations and rules with respect to disaster preparedness and management to be implemented by public utilities beyond the current requirements of GO 95. Possible adoption of and funding for a statewide Disaster Management Plan should also be part of this broad review. In addition to the jurisdictional utilities, other relevant agencies and stakeholders will also be able to

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provide important information for this OIR, and they should be encouraged to participate in this proceeding as well.

DATED this 6th day of November, 2007, at San Diego, California.

Respectfully submitted,

By: /s/ Lisa G. Urick
Lisa G. Urick

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SAN DIEGO GAS & ELECTRIC COMPANY

ATTACHMENT A
VERIFICATION

The undersigned states as follows:

I am an officer of SAN DIEGO GAS & ELECTRIC COMPANY and am authorized to make this verification for and on behalf of said corporation. The contents of this document are true, except as to matters that are stated on information and belief. As to those matters, I believe them to be true.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed this 6th day of November, 2007, at San Diego, California.

A handwritten signature in cursive script, appearing to read "David L. Geier", is written over a horizontal line.

David L. Geier
Vice President, Electric
Transmission and Distribution

ATTACHMENT B COMPLIANCE WITH RULE 6.3

Pursuant to the Rules of Practice and Procedure of the Commission (“Rules”), Rule 6.3(a) provides that, “any person may petition the Commission under Public Utilities Code Section 1708.5 to adopt, amend, or repeal a regulation. The proposed regulation must apply to an entire class of entities or activities over which the Commission has jurisdiction and must apply to future conduct.” The relief sought herein complies with this requirement of the Rules, as it would apply to the relevant Commission jurisdictional entities that are covered by General Order (“GO”) 95 (RULES FOR OVERHEAD ELECTRIC LINE CONSTRUCTION). Moreover, Petitioner seeks Commission action that would be applicable to future conduct and does not seek any retroactive relief.

Rule 6.3(b) provides that “A petition must concisely state the justification for the requested relief, and if adoption or amendment of a regulation is sought, the petition must include specific proposed wording for that regulation. In addition, a petition must state whether the issues raised in the petition have, to the petitioner’s knowledge, ever been litigated before the Commission, and if so, when and how the Commission resolved the issues, including the name and case number of the proceeding (if known).” Sections I, II, III, and IV state the justification for the requested relief. These sections explain why it is appropriate for the Commission to open a rulemaking in order to consider adopting additional regulations and rules with respect to disaster preparation and management by public utilities under GO 95. To the best of Petitioner’s knowledge, this subject has not been previously litigated before the Commission under the precise circumstances described herein. Further actions by the Commission with respect to the implementation

of design standards have generally been dealt with in GO 95, and it formulates uniform requirements for overhead electric supply and communication facilities constructed in the State of California.

Rule 6.3(b) further requires that, “A petition that contains factual assertions must be verified. Unverified factual assertions will be given only the weight of argument. The caption of a petition must contain the following wording: ‘Petition to adopt, amend, or repeal a regulation pursuant to Pub. Util. Code § 1708.5.’” The factual assertions contained in this Petition are verified (see Attachment “B”) and the Petition is titled and captioned in accordance with Rule 6.3(b).

Finally, Rule 6.3(c) requires that, “Petitions must be served upon the Executive Director, Chief Administrative Law Judge, Director of the appropriate industry division, and Public Advisor. Prior to filing, petitioners must consult with the Public Advisor to identify any additional persons upon whom to serve the petition. If a petition would result in the modification of a prior Commission order or decision, then the petition must also be served on all parties to the proceeding or proceedings in which the decision that would be modified was issued. The assigned Administrative Law Judge may direct the petitioner to serve the petition on additional persons.”

Petitioner has attempted to comply with this requirement by contacting the Public Advisor’s Office in San Francisco and Los Angeles and soliciting input by e-mail from the Public Advisor’s Office, Executive Director and Chief Administrative Law Judge, among others at the Commission, as to additional persons who should be served. SDG&E served the Petition on the persons indicated by these individuals and has also served this petition on the service lists of the dockets listed in Attachment “C.” When an

ALJ is assigned to this proceeding, or at any other time as the Commission might so indicate, Petitioner will comply with any further service directions that are provided. Therefore, Petitioner has complied with all of the procedural requirements imposed by Rule 6.3.

ATTACHMENT C

LIST OF DOCKETS THAT RECEIVED COPIES OF THIS PETITION

**R.01-10-001, Order Instituting Rulemaking to Revise
Commission General Order Numbers 95 and 128**

**R.05-02-023, Order Instituting Rulemaking to Revise Commission General Order
Number 95 Pursuant to D.05-01-030**

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a copy of the foregoing **PETITION OF SAN DIEGO GAS & ELECTRIC COMPANY (U 902 E) TO ADOPT, AMEND, OR REPEAL A REGULATION PURSUANT TO PUBLIC UTILITIES CODE § 1708.5** on all parties of record in R.01-10-001 and R.05-02-023 (see Attachment C), by serving an electronic copy on the e-mail addresses of record and by mailing a properly addressed copy by first-class mail with postage pre-paid to each party for whom an e-mail address is not available. SDG&E has also served this Petition on other persons as requested by the Commission.

Executed on November 6, 2007, at Los Angeles, California.

/s/ *Becky Roberts*

Becky Roberts

CALIFORNIA PUBLIC UTILITIES COMMISSION
Service Lists - Proceeding: R.01-10-001 - Last changed: November 1, 2007

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CALIFORNIA PUBLIC UTILITIES COMMISSION
Service Lists - Proceeding: R.05-02-023 - Last changed: August 8, 2007

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