

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



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Rulemaking No. 08-11-005  
(Issued November 13, 2008)

Order Instituting Rulemaking To  
Revise and Clarify Commission  
Regulations Relating to the Safety  
of Electric Utility and  
Communications Infrastructure  
Provider Facilities.

**MUSSEY GRADE ROAD ALLIANCE PROPOSED REPORTING RULE TO  
BE IMPLEMENTED IN TIME FOR THE 2009 FIRE SEASON**

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# **MUSSEY GRADE ROAD ALLIANCE PROPOSED REPORTING RULE TO BE IMPLEMENTED IN TIME FOR THE 2009 FIRE SEASON**

## **I. INTRODUCTION**

The Mussey Grade Road Alliance (“Alliance”) files proposed rule in accordance with Assigned Commissioner Simon’s ruling and scoping memo of January 6<sup>th</sup>, 2009<sup>1</sup>, which instructs parties to serve proposed rules for Phase 1 (Fall 2009) implementation on CPSD and other participating parties.

## **II. PROPOSED RULE REGARDING REPORTING OF POWER LINE FIRE INCIDENTS**

### **A. Background of Proposed Rule Regarding Reporting of Fire Incidents**

The Commission seeks to improve reporting of fires and cooperation with CPSD as stated in the scoping memo:

*1. Immediate reporting of fire-related incidents and full cooperation with Commission staff. This proceeding will not consider the extent that entities may deny access to documents, information, and witnesses that they deem protected by attorney-client privilege and/or the attorney work product doctrine.*<sup>2</sup>

Some parties have objected to the reporting of all fire-related incidents as placing an onerous burden on both the utilities and Commission<sup>3,4</sup>. They maintain that this view is supported by Decision 06-04-055<sup>5</sup>, which eliminates a previous reporting requirement for similar reasons. The Alliance has argued that collecting and analyzing fire data, including that from minor incidents, will enhance public safety, but that the requirement of *immediate* reporting of minor incidents provides no added value<sup>6</sup>.

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<sup>1</sup> ASSIGNED COMMISSIONER’S RULING AND SCOPING MEMO; R.08-11-005; January 6th, 2009; pp. 7-9.

<sup>2</sup> Ibid. p. 3.

<sup>3</sup> COMMENTS OF SAN DIEGO GAS & ELECTRIC COMPANY (U 902-E) ON ORDER INSTITUTING RULEMAKING; R.08-11-005 ; December 3, 2008; pp. 2-5 (SDG&E).

<sup>4</sup> SCE Comments; p. 7.

<sup>5</sup> D.06-04-055; pp. 4-5.

<sup>6</sup> Mussey Grade Road Alliance; R.08-11-005; Late Filed Reply Comments; Dec. 24, 2008; pp. 7-8.

## **B. Text of Proposed Rule Regarding Reporting of Fire Incidents**

The current regulations consist of four specific rules, which are listed in Appendix B of D.06-04-055<sup>7</sup>. The four existing rules regarding reporting requirements for significant “notorious” incidents would remain unchanged. The Alliance proposes adding a fifth rule as per the requirements of these proceedings, with the text given below:

(Beginning of rule)

***5. Utilities shall collect information on all fire incidents in any way caused by or related to their infrastructure, equipment, or operations. Data to be collected per incident will include date, time, a unique incident name, general location, specific geographical coordinates, equipment voltage, responsible party or equipment, fire agencies involved, weather conditions, vegetation conditions, and apparent cause. Summaries of collected data will be provided quarterly to CPSD in a format CPSD will specify. CPSD will make this information available to utilities, fire agencies, and the public.***

(End of rule)

The Commission should consider moving this language and that of the four other reporting rules into GO-168, which governs inspection and reporting, or GO-95 which governs electric line construction. In its current location in a Commission’s Decision document, it lacks the public accessibility and visibility that it would have in a General Order.

## **C. Discussion of the Proposed Rule Regarding Reporting of Fire Incidents**

### **1. New information requires modification of the D.06-04-055 reporting requirements**

Significantly more information has been provided to the Commission regarding the hazards posed by power line fires since the rules regarding reporting of power line incidents were last modified by the Commission. First and most notably, the October 2007 fire storm had a significant fraction of its ignitions due to power lines. Three of these fires – Witch, Guejito, and Rice –

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<sup>7</sup> D.06-04-055; Appendix B; pp. 1-2.

prompted full investigations by the CPSD, the reports from which<sup>8</sup> contributed to the initiation of this OIR. Additionally, the Commission received substantial and voluminous analysis relating to power lines and wildland fire during the A.06-08-010 hearings on the Sunrise Powerlink<sup>9</sup>.

What this new information makes clear is that that the distinction between “minor” and “significant” incidents<sup>10</sup> is artificial, since the severity of an incident usually does not depend upon details of how an ignition occurs, but rather the wind, humidity, and vegetation characteristics of the surrounding terrain. Hence, many “minor” events would be major events but for the stochastic conditions that lead to rapid fire growth not being present. If an ignition occurs under high-wind conditions in heavy vegetation it is has a large chance of growing into a large fire. The same ignition source under other circumstances will likely lead to a minor fire. Hence, data from the much greater numbers of small fires can be used to come up with strategies to avoid the larger fires. In the Sunrise Powerlink proceedings, for instance, the observation of minor transmission line fires established the potential for major fires to occur in the future, to the extent that risk of power line fire was established as a Class I significant environmental impact<sup>11</sup>, and resulting in the requirements for mitigation to reduce the probability and impacts of potential fires<sup>12</sup>.

The reduction of severe fires depends on the reduction in the number of ignitions. The purpose of this OIR is to seek new regulations that will help to reduce ignitions. Some of the new rules and regulations arising from this proceeding may be expensive to implement, and costs will be either taken up by the utilities or passed on to the ratepayers. Several parties (including the Alliance) have therefore stated that measures accepted by the Commission be cost-effective<sup>13</sup>. Gauging cost-effectiveness requires data. Pooled data collected by utilities should give a baseline by which the effectiveness of present and future corrective measures can be judged. The effort required to collect this data and submit it in quarterly reports to the Commission is relatively minor and should place no undue burden on the utilities.

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<sup>8</sup> CPSD; REPORT OF THE CONSUMER PROTECTION AND SAFETY DIVISION REGARDING THE GUEJITO, WITCH AND RICE FIRES; Sept. 2, 2008.

<sup>9</sup> A.06-08-010; Final EIR, Section D.15, GR-3, GR-9; Testimony & Briefs of the Mussey Grade Road Alliance.

<sup>10</sup> D.06-04-055, pp. 6-8.

<sup>11</sup> A.06-08-010; Final EIR; p. D.15-62.

<sup>12</sup> D.08-12-058; pp. 217-218.

<sup>13</sup> Mussey Grade Road Alliance; R.08-11-005; Late-Filed Reply Comments; p. 6.

## **2. Utilities acknowledge that understanding when and where fires occur is key to their prevention.**

Several of the utilities participating in this proceeding agreed that fire data collection would be beneficial in their co-authored Fire Prevention Field Guide of 2001, which states:

*“The electric utilities need to notify the fire agencies when their equipment or hardware cause fires unknown to the fire agencies. **Critical to the prevention of fires caused by electrical power is knowing where and when they occur** and building this information into a GIS database which is shared by the fire agencies and public utilities for future models and projects.*

*Currently, electric utilities are making an effort to inventory and map their power lines, power poles, hardware and equipment in a GPS and GIS system database. Performance and statistical data can be used to monitor exempt and non-exempt hardware both inside and outside the established fire hazard severity zones.”<sup>14</sup> (emphasis added)*

According to SDG&E, this centralized database was never completed<sup>15</sup>.

### **D. Justification for including proposed rule in Phase 1**

Rules appropriate for inclusion of Phase 1 are specified in the Scoping Memo as “measures proposed by CPSD to reduce fire hazards that can be implemented in time for the 2009 autumn fire season in Southern California.”<sup>16</sup> The collection of fire data can be readily implemented prior to the start of the autumn 2009 fire season.

#### **1. Collection of data imposes a relatively light and inexpensive burden on utilities**

Some utilities already collect fire data in a format very similar to that proposed here. SDG&E has maintained its own complete log of power line fires since 2004<sup>17</sup>, and has doubtless

<sup>14</sup> OSFM, CDF, USFS, PG&E, SC Edison, SDG&E; Power Line Fire Prevention Field Guide; Mar 27, 2001; p. 1-2.

<sup>15</sup> A.06-08-010; MG-1; PHASE 1 DIRECT TESTIMONY OF THE MUSSEY GRADE ROAD ALLIANCE; May 31, 2007; p. 4.

<sup>16</sup> R.08-11-005; Ruling and Scoping Memo; p. 7.

<sup>17</sup> Presented in A.06-08-010; MG-20; PHASE 2 DIRECT TESTIMONY OF THE MUSSEY GRADE ROAD ALLIANCE; Appendix 2D; March 12, 2008.

used this information to formulate the concrete set of suggestions that it put forward as part of its Comment in this proceedings. This type of information should be collected by all utilities as part of their safety program.

The complaints that SDG&E<sup>18</sup> and SCE<sup>19</sup> registered regarding this requirement mainly centered on the fact that immediate reporting was required for all incidents. Requiring that the data be collected and reported quarterly would significantly lessen this burden.

## **2. Baseline data should ideally be collected prior to the implementation of remedial steps**

Ideally, data should be collected prior to the implementation of remedial steps in order for the effectiveness of those steps to be judged. While some steps may be implemented as soon as autumn of 2009, others may not be implemented until after Phase 2 is complete. In any case, the sooner data collection begins, the better utilities and the CPSD will be able to judge the effectiveness of their fire prevention measures. For this reason, implementation of data collection improvements should be placed within Phase 1 scoping.

### **E. Justification required by R.08-11-005 ruling and scoping memo.**

The R.08-11-005 ruling and scoping memo requires that certain justifications be presented for any proposed rule<sup>20</sup>. These justifications are given below.

#### **1. The specific electric utilities, CIPs, and others affected by the proposed rule.**

This rule will affect all electrical utilities in the state of California. It would not be applicable to communications providers. If communication equipment comes in contact with electrical distribution equipment and a fire is caused, this would be reported by the appropriate electrical utility.

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<sup>18</sup> COMMENTS OF SAN DIEGO GAS & ELECTRIC COMPANY (U 902-E) ON ORDER INSTITUTING RULEMAKING; R.08-11-005 ; December 3, 2008; pp. 2-5 (SDG&E).

<sup>19</sup> SCE Comments; p. 7.

<sup>20</sup> R.08-11-005; Ruling and Scoping Memo; p. 9.

## **2. The specific hazard(s) addressed by the proposed rule**

The rule would address obtaining information about power line fires so that specific fire threats can be identified, means of preventing these fires can be devised, and effectiveness of countermeasures can be evaluated.

## **3. How the proposed rule reduces or otherwise addresses the hazard(s)**

While not directly reducing the risk of power line fires, this rule would aid utilities, the CPSD, fire agencies, and others in identifying and selecting countermeasures for power line fire threats. Utilities who are parties in these proceedings (specifically SDG&E, SCE, and PG&E) have publicly stated that the collection of fire data is critical to the reduction of fire risk<sup>21</sup>.

## **4. The anticipated costs and benefits of the proposed rule**

The costs of implementing data collection should be relatively small, probably requiring no more than a few person-days per month for each participating utility. Some effort will also need to be put into analysis of the collected data, which will also result in some costs. The benefits that can be derived from proper analysis of the collected database are enormous. Cost of insurance claims October 2007 fire storm was estimated to be \$1.6 B by California's insurance commissioner<sup>22</sup>, with most of the damage being due to the Witch, Guejito (which merged with Witch), and Rice fires – all of which were power line fires. Any reduction of likelihood of power line fires under extreme weather conditions would have a significant positive impact on public safety and avoided losses. Another economic benefit of data collection is that it allows the identification of ineffective measures, so that these can be eliminated. Power line fire science is a new field, and it is not mature, so it is likely that not all countermeasures that the CPUC or utilities may try will be fully effective. Being able to track the effect of countermeasures through the collection of data will help utilities use their fire prevention funds in the most effective way and avoid ineffective countermeasures.

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<sup>21</sup> OSFM, CDF, USFS, PG&E, SC Edison, SDG&E; Power Line Fire Prevention Field Guide; Mar 27, 2001; p. 1-2.

<sup>22</sup> Insurance Commissioner Poizner Hosts Insurance Recovery Forum to Assist San Diego Wildfire Survivors with Recovery Efforts; <http://www.insurance.ca.gov/0400-news/0100-press-releases/0060-2007/release120-07.cfm>

## **5. Whether and how the costs will be recovered from customers**

Since the costs of this program should be relatively small, it should be placed under the safety and maintenance budget for participating electrical utilities.

## **6. Whether and how costs will be shared among electric utilities, CIPs, and others.**

Cost of maintaining the database should be borne by CPSD. Cost of data collection for each utility should be borne by that utility.

## **7. Why it is in the public interest to adopt the proposed rule**

Power line fires have been demonstrated to cause both property loss and environmental damage<sup>23</sup>. This OIR was convened as a result of the October 2007 fires and the part that power lines had to play in these fires, with an eye to reducing the overall risk of power line fires. In order to ascertain the severity of the problem and the effectiveness of countermeasures, electric utilities participating as parties in this proceeding have written that centralized collection of fire data is a critical prerequisite<sup>24</sup>. Despite this, no effort toward centralized data collection (apart from CPSD collection of data on “severe” incidents) has been undertaken<sup>25</sup>. The sooner this data collection is initiated, the sooner that baseline data will be provided that can be used to isolate specific problem areas and correct them. Furthermore, the collection of data will help prevent the costs and sense of false security that would be in place if ineffective or incorrect measures were to be put into place to reduce power line fire risks.

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<sup>23</sup> Presented in A.06-08-010; MG-20; PHASE 2 DIRECT TESTIMONY OF THE MUSSEY GRADE ROAD ALLIANCE; Appendix 2A; March 12, 2008.

<sup>24</sup> OSFM, et al.; p. 1-2.

<sup>25</sup> A.06-08-010; MG-1; p. 4.



**8. If the proposed rule applies to electric transmission, why the rule does not conflict with other federal or state regulations**

This rule in no way regulates the operation of electric transmission facilities or lines, but merely collects information regarding fires that might occur at any electrical facility. Information obtained should be of use to other regulatory bodies that might have jurisdiction over transmission facilities.

**9. Whether the adoption and implementation of the proposed rule is exempt from the California Environmental Quality Act (CEQA) and, if so, why. If not, what steps need to occur under CEQA before the proposed rule can be adopted and implemented.**

As this rule only affects information gathering and data collection procedures for utilities, and will not directly cause any changes to existing facilities or operating procedures, it should be exempt from CEQA. As a side note, a reduction in the number and severity of power line fires will have a net positive effect on the environment by helping to reduce the risk of vegetation type conversion and loss of habitat brought on by fires that are too frequent<sup>26</sup>.

Respectfully submitted this 21<sup>st</sup> day of January, 2009,

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<sup>26</sup> A.06-08-010; Final EIR, D.2-80; MG-20, App. 2A, pp. 12-18.

## CERTIFICATE OF SERVICE

I hereby certify that pursuant to the California Public Utilities Commission's Rules of Practice and Procedure, I have served a true copy of the **MUSSEY GRADE ROAD ALLIANCE PROPOSED REPORTING RULE TO BE IMPLEMENTED IN TIME FOR THE 2009 FIRE SEASON** to all parties on the service list for Rulemaking No. 08-11-005 via electronic mail.

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

Executed this 21<sup>st</sup> day of January, 2009 at Ramona, California.

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