

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
(Filed December 13, 2018)

**RESPONSES OF THE CALIFORNIA STATE ASSOCIATION OF COUNTIES TO
PHASE 2 TRACK 1 COMMENTS AND PROPOSALS**

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The California State Association of Counties (CSAC) respectfully submits these Responses to Phase 2 Track 1 Comments and Proposals which were submitted in this Rulemaking (R.) 18-12-005 (De-Energization) on September 17, 2019 (Phase 2 Track 1 Comments and Proposals). CSAC was granted party status in this proceeding on March 18, 2019. These Responses are timely filed and served pursuant to the Commission's Rules of Practice and Procedure; the Commissioner's Phase 2 Scoping Memo and Ruling, issued on August 14, 2019; and the Administrative Law Judge (ALJ) Rulings, issued on September 26, 2019 and October 8, 2019.

**I.
BACKGROUND ON CSAC**

CSAC is a nonprofit mutual benefit corporation under the California Nonprofit Mutual Benefit Corporation Law. CSAC is a lobbying, advocacy and service organization which represents all 58 counties of the State of California. CSAC is focused on advancing the vital public interest in effective, efficient and responsive local government. CSAC, under the name of the County Boards of Supervisors Association of California began meeting in 1895 and was later renamed CSAC in 1991 and is based in Sacramento, California. CSAC's long-term objective is to significantly improve the fiscal health of all California counties so they can adequately meet the demand for vital public programs and services.

II. CSAC’S RESPONSES TO PHASE 2 TRACK 1 COMMENTS AND PROPOSALS

The Phase 2 Scoping Memo outlined various issues to be considered in Phase 2 Track 1 which included: definitions/standard nomenclature, access and functional needs (AFN) populations, public safety power shut-off (PSPS) strategy and decision-making, notification and communication, PSPS and transmission lines, and lessons learned. Several parties submitted Proposals and Comments in response to the Phase 2 Scoping Memo. CSAC offers the following responses to these Phase 2 Track 1 Comments.

1. Generally

CSAC believes that the current PSPS implementation transfers too much risk, responsibility and cost to local governments. CSAC agrees with the Counties of Mendocino, Napa and Sonoma, and the City of Santa Rosa (Joint Local Governments) that “[t]he level of responsibility for public safety borne by local governments during de-energization events requires significant planning and resources.”¹ CSAC recommends that the investor-owned utility (IOU) or the State of California should be required to provide funding for local governments if they are to mitigate PSPS impacts.

In addition, CSAC supports the California Municipal Utilities Association’s (CMUA’s) request for clarification of how transmission level PSPS events will overlap with current outage protocols.² CSAC has concerns about whether the IOUs currently will be able to make these assessments as quickly as needed.

Furthermore, CSAC agrees with the California Energy Storage Alliance (CESA) that the Commission should add electric vehicle (EV) charging infrastructure to the definition of critical

¹ Proposal of Joint Local Governments, at p. 20.

² Proposal of CMUA, at p. 3.

infrastructure facilities only as it applies to government and emergency services.³ Tesla, Inc. (Tesla) recommends that the Commission should designate direct current fast charging (DCFC) facilities located in Tier 2 and Tier 3 high-fire threat districts (HFTDs) or in PSPS planning areas as critical facilities.⁴ However, CSAC has concerns about these DCFC charging stations being designated as critical facilities because CSAC believes that these should not be prioritized over other critical facilities such as hospitals.

2. Definitions/Standard Nomenclature.

CSAC agrees with the City and County of San Francisco (San Francisco) and The Utility Reform Network (TURN) that the transportation sector should be included in the list of critical facilities.⁵ CSAC recommends that there be more consistency among the IOUs in their standards, protocols and notifications. One option is to support Southern California Edison's (SCE's) recommendation that the definition of critical facilities be aligned with the existing Department of Homeland Security Critical Infrastructure Sectors as stated in Decision (D.) 19-05-042.⁶

CSAC agrees with the City of San Jose (San Jose) "that medical baseline tariffs are one way to identify individuals who need assistance during a PSPS event, but they are not comprehensive as they are merely an economic billing program."⁷ Relying on Medical Baseline is insufficient because the program does not reflect the true number of individuals who would benefit from greater advance notice. Furthermore, CSAC agrees with the California Community Choice Association (CalCCA) that "there may be variations in terminology, applications and

³ Proposal of CESA, at p. 2.

⁴ Proposal of Tesla, at p. 8.

⁵ Proposal of San Francisco, at p. 3 and Proposal of TURN, at p. 2.

⁶ Comments of SCE, at pp. 1-2.

⁷ Comments of San Jose, at p. 4.

rates for medical baseline.”⁸ As such, CSAC recommends that there should be a standardization of terminology and programs amongst the IOUs. Furthermore, the IOUs must clearly identify Medical Baseline programs as notification programs and nothing should restrict any IOUs’ current customer eligibility for their respective Medical Baseline Program. Lastly, CSAC recommends that a process should be developed to help streamline the enrollment of customers with access and functional needs into the Medical Baseline program.

CSAC agrees with CalCCA and the Center for Accessible Technology (CforAT) that the Commission should adopt language to describe the various periods of a PSPS event that is clear and unambiguous.⁹ CalCCA correctly states that the terms adopted by the Commission must be “simple, understandable, and easy to translate into multiple languages.”¹⁰ CSAC supports CforAT’s recommendation that the Commission “adopt language that is clear and [] avoid language that is bureaucratic or overly-technical so that customers and others outside of the energy industry are able to understand the different phases of de-energization and know what to expect at various times.”¹¹

CSAC, like the Small Business Utility Advocates (SBUA), believe that it may be prudent that terms used for communicating PSPS events be standardized across IOUs; some organizations have operations across various IOU territories and having standardized terms would aid in avoiding potential miscommunication related incidents within these organizations.¹² The Commission should consider using terminology that aligns with that utilized by California Department of Forestry and Fire Protection (CalFire), California Office of Emergency Services (Cal OES), and other State and Federal agencies that participate in disaster and emergency

⁸ Proposal of CalCCA, at p. 7.

⁹ Proposal of CalCCA, at p. 9 and Proposal of CforAT, at p. 4.

¹⁰ Proposal of CalCCA, at p. 9.

¹¹ Proposal of CforAT, at p. 4.

¹² Comments of SBUA, at p. 2.

response, as a PSPS triggers emergency response activities in counties, cities, and special districts. CSAC also recommends that the Commission consider formalizing descriptive names of the colors in the chart used to describe the severity of wildfire conditions.

CSAC recommends that IOUs should provide resources for critical facilities to incorporate additional backup power infrastructure. The Commission should also contemplate the option of including the use of onsite renewable and clean energy distributed generation sources (e.g., solar, fuel cells); these systems must normally go offline during power outages including PSPS triggered outages.

3. AFN Populations.

CSAC agrees with multiple parties that the IOUs should meet with local governments to identify AFN populations and to understand the processes already in place for notifying AFN populations.¹³ Counties and other local partners can also assist the IOUs in outreach and in enrolling clients in the medical baseline program. IOUs should also conduct a focused outreach to organizations that serve people with disabilities and other AFN populations, in order to promote development of a de-energization plan. IOUs should share any data that they receive regarding Medical Baseline customers with local governments.

CSAC agrees with the Joint Local Governments' recommendations regarding transmitting information about Medical Baseline customers from the IOUs to local governments.¹⁴ The first option is a Commission-created rule that allows Medical Baseline customer information to be shared with public health providers subject to HIPAA confidentiality requirements which alleviates the current need to obtain non-disclosure agreements (NDAs).¹⁵

¹³ See, e.g., Proposal of California Association of Small and Multi-Jurisdictional Utilities (CASMU), at pp. 6-7 and Proposal of the Joint Local Governments, at pp. 8-10.

¹⁴ Proposal of the Joint Local Governments, at pp. 10-15.

¹⁵ Proposal of the Joint Local Governments, at pp. 14.

Many operational areas do not have NDAs which have caused delays in getting critical information to the counties. The second option set forth by the Joint Local Governments is that:

the Commission could direct the utilities to obtain consent from their Medical Baseline customers to share information with the customer's local public health provider during de-energization or other utility-related emergencies for the purpose of providing medical care or assistance, if any is needed.¹⁶

CSAC supports the adoption of either or both of these options. In addition, CSAC recommends that the IOUs use the Federal emPOWER list of Medicare recipients reliant upon power dependent medical devices to increase outreach to targeted populations for enrollment in their Medical Baseline programs.

CSAC agrees with CalCCA, CASMU, the Joint Local Governments and San Francisco that outreach before, during and after a PSPS event be multimodal.¹⁷ IOUs should maintain responsibility for alerting their customers and maintaining the systems necessary to accomplish alert and warning.

4. PSPS Strategy and Decision-Making.

The Commission and IOUs should undertake a thorough investigation of PSPS impacts including costs to public safety, the economy and education sector. The Commission should evaluate whether or not the PSPS event does more harm than it potentially avoids and the IOUs should justify the need for the PSPS event. CSAC agrees with the Joint Local Governments that de-energization action reports must contain a substantive discussion of alternatives to shutting off the power that the IOU considered and whether any mitigation measures were taken, and a substantive discussion of why those alternatives were deemed insufficient.¹⁸ Currently, there is a narrative in after action reports but no data provided, so there is no way to know if forecasts that

¹⁶ Proposal of the Joint Local Governments, at p. 15.

¹⁷ Proposal of the CalCCA, at p. 13; Proposal of CASMU, at p. 7; Proposal of Joint Local Governments, at pp. 15-18; and Proposal of San Francisco, at pp. 5-6.

¹⁸ Proposal of the Joint Local Governments, at p. 19.

are utilized are a good indicator for the need for a PSPS. IOUs should be required to provide this information to jurisdictions impacted by the PSPS.

5. Notification and Communication.

Notification and communication by the IOUs to and with the local governments regarding PSPS events is critical. All pertinent information that will assist local jurisdictions with pre-planning, supporting, and ending emergency response operations for a PSPS should be shared. Often times, the information received by the local governments from the IOUs is stale and there is a significant lack of transparency. Operational Areas should receive press updates at the same time, or before information is released to the media. CSAC agrees with the Joint Local Governments and San Jose that the IOUs must provide real-time information directly to local governments.¹⁹ CSAC recommends that the Commission consider an analog visual alert system that provides customers a granular and progressive status view of PSPS events.

Overall, many of the IOUs need to improve customer notification which has been inconsistent and difficult to ascertain from the IOUs' websites. CSAC recommends that there be periodic meetings with the IOUs and the local governments to better understand the grids in those governments' operational area. Furthermore, when communicating with local governments, the IOUs must be able to provide the most accurate, transparent information possible. When local jurisdictions send representatives to the IOUs' Emergency Operations Center (EOC), they need to be integrated into the IOUs' operation in order to be effective. CSAC agrees with the Joint Local Governments that the IOUs must figure out how to meet local government partners' needs, "and must understand the on-the-ground impacts of de-energizing a transmission line, before it calls a transmission-level PSPS."²⁰

¹⁹ Proposal of the Joint Local Governments, at p. 33 and Comments of San Jose, at p. 11.

²⁰ Proposal of the Joint Local Governments, at pp. 34-35.

6. PSPS and Transmission Lines

As stated by the Joint Local Governments, “utility coordination with local public safety partners will be critical leading up to, and during, transmission line de-energizations.”²¹ There must be required coordination between the IOUs and the local governments when an IOU considers de-energizing a transmission line.

7. Lessons Learned

Many of the counties that are part of CSAC have been directly impacted by PSPS events in 2019. In certain counties, the areas impacted by the PSPS events have had a disproportionate impact on residents with less resources, vulnerable populations with AFNs and areas that do not have access to land lines or cell service. In addition, there have been PSPS events that cut off power to critical facilities for an extended period of time which can lead to a more significant threat to the health and safety of the public than the threat of wildfire.

Information must be more readily available to the local governments and as discussed above, the utilities must demonstrate why the PSPS event was their only solution for each event. In addition, the IOUs need to be transparent about their situational awareness programs. There is also a need not only for notification by the IOUs, but also for additional resources to help customers during PSPS events, including more community resources for charging and/or cooling and transportation of customers within AFN populations.

CSAC strongly opposes the IOUs shifting any liabilities and costs to local governments for de-energization events. Many counties have limited financial and staff resources to respond to PSPS events and there must be a reasonable limit to the use of PSPS as a measure of last resort, and the IOU must prioritize other mitigation measures such as infrastructure hardening. Furthermore, communities cannot function under the near-constant threat of power outage.

²¹ Proposal of the Joint Local Governments, at p. 35.

CSAC recommends that the Commission should perform outreach in each area where a PSPS de-energization event has occurred to hear from impacted communities. Furthermore, many operational areas are not receiving press releases before the media. It is extremely important for operational areas to receive updates to share with the public before, or at the very least, at the same time the media receives this information.

As discussed above, CSAC recommends that there be periodic meetings between the utilities and the local governments when there is not a de-energization event. However, conference calls three times a day between the IOUs and local governments are recommended during a de-energization event in order for local governments to stay informed about quickly evolving, complex events. Furthermore, moving forward, the IOUs' websites will need to be able to handle the level of traffic a large scale PSPS event will generate.

III. CONCLUSION

CSAC appreciates the opportunity to provide responses to Phase 2 Track 2 Proposals and Comments.

Respectfully submitted,

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