

**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)

**REPLY COMMENTS OF THE UTILITY REFORM NETWORK
ON THE PROPOSED DECISION OF COMMISSIONER PICKER ADOPTING
DE-ENERGIZATION (PUBLIC SAFETY POWER SHUT-OFF) GUIDELINES**



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I. INTRODUCTION AND SUMMARY

Pursuant to Rule 14.3 of the Commission’s Rules of Practice and Procedure, The Utility Reform Network (“TURN”) files these reply comments in response to opening comments by Southern California Edison Company (“SCE”), San Diego Gas & Electric Company (“SDG&E”), and Pacific Gas and Electric Company (“PG&E”) on the Proposed Decision of Commissioner Picker Adopting De-Energization (Public Safety Power Shut-off) Guidelines (“PD”). Furthermore, pursuant to the Administrative Law Judge’s Ruling issued on March 12, 2019, TURN identifies that it received party status by filing responsive comments on February 8, 2019 to the instant Order Instituting Rulemaking (“OIR”) per Rule 1.4(a)(2) of the California Public Utility Commission’s (“Commission”) Rules of Practice and Procedure.

In general, the Investor Owned Utilities’ (“IOUs”) continue to demand unbounded discretion and flexibility to call de-energization events whenever they deem appropriate, despite the fact that the IOUs are required to provide an essential public service and therefore should not have unbounded discretion over when the essential public service should be suspended. Instead, as TURN noted previously,¹ the Commission, informed by comments from the various stakeholders such as IOUs, public agencies, ratepayers, and others, should decide under what circumstances it is in the public's best interest to suspend this essential public service, especially given the OIR’s recognition that de-energization events “can leave communities and essential facilities without power, which brings its own risks and hardships, particularly for vulnerable communities.”² TURN urges the Commission to adopt the PD as written, which correctly concludes that the IOUs must “develop and make available information characteristics and thresholds that the utility uses in considering whether to de-energize.”³

¹ TURN Reply Comments, p. 2.

² OIR, p. 2.

³ PD, p. 89.

II. THE COMMISSION SHOULD REJECT SCE’S ATTEMPT TO SHIFT RESPONSIBILITY FOR MAINTAINING INFORMATION ABOUT ITS OWN CUSTOMERS AND PROVIDING THEM WITH ADEQUATE NOTICE REGARDING DE-ENERGIZATION EVENTS

In its opening comments, SCE urges the Commission “to remove the requirement for IOUs to develop a means for customers to self-identify as a member of an AFN [Access and Functional Needs] population.”⁴ In short, SCE doesn’t want to be responsible for keeping information about its own customers because they may be difficult to track.⁵ SCE’s request is shocking, given that these are *SCE’s own customers*, which SCE bills and collects payments from each month. SCE seems to be claiming that it could track its own customers for billing purposes, but when it comes to allowing customers to self-identify as a member of the AFN population, SCE may have difficulty tracking these customers. If these are SCE’s customers, and if SCE is making the ultimate determination of whether to de-energize, SCE should clearly be responsible for tracking whether a customer has self-identified as someone with access and functional needs.

III. THE COMMISSION SHOULD REJECT SDG&E’S REPEATED ARGUMENT AGAINST PROVIDING ESTIMATED DURATION OF THE DE-ENERGIZATION EVENT

In its opening comments, SDG&E repeats its argument against providing estimated duration of a de-energization event, claiming that such estimates can create false expectations.⁶ As the PD notes, several parties agreed that the utility should provide estimated duration of an event, even if the estimate is subject to change.⁷ As TURN noted previously,⁸ providing estimated duration is the *least* utilities should do to allow the public to better cope with the de-energization event. The utilities need to understand that de-energization takes a heavy toll on the public, and they need to provide as much information as early as possible to the public in

⁴ SCE Opening Comments on PD, p. 9.

⁵ *Id.*

⁶ SDG&E Opening Comments on PD, p. 5.

⁷ PD, pp. 42-43.

⁸ TURN Reply Comments, p. 3.

order to mitigate de-energization's impacts. The Commission should reject SDG&E's repeated argument that the PD correctly determined to be unpersuasive.⁹

IV. THE COMMISSION SHOULD CLEARLY REJECT PG&E'S PROPOSAL THAT REPORTING METRICS RELATED TO WILDFIRE RISK IS THE SAME AS PROVIDING ANALYSIS REGARDING THE DECISION TO DE-ENERGIZE

The PD requires the utility to provide in its post-event report an "explanation of how the utility determined that the benefit of de-energization outweighed potential public safety risks."¹⁰ Yet, PG&E proposes to provide only metrics related to the wildfire risk (such as humidity, fuel dryness, wind levels, and others), and PG&E asks the Commission to indicate whether such an "analysis" would appropriately respond to this requirement.¹¹ The Commission should clearly reject PG&E's proposal to present these metrics as a substitute for analysis for how it determined that the benefit of de-energization outweighed potential public safety risks. As the PD states, these metrics are thresholds that the utility must clearly articulate to define "an extreme fire hazard."¹² However, these metrics alone do not determine that the benefits outweighed the risks. The utility's discretion in determining whether or not to de-energize should include evaluation of alternatives to de-energization that were considered, mitigation measures used to decrease the risk of utility-caused wildfire in the de-energized area, on-the-ground information and assessment of the conditions, and other factors that ultimately led the utility to determine that the benefits to the public of de-energizing outweighed the potential public safety risks. If the utility is afforded discretion, the utility must also be accountable for its decision and provide transparency regarding how it arrived at the decision. Thus, the Commission should reject PG&E's proposal and clarify that simply providing the metrics related to wildfire risk is insufficient.

⁹ PD, p. 92.

¹⁰ PD, p. 105.

¹¹ PG&E Opening Comments on PD, p. 9.

¹² PD, p. 90.

V. THE COMMISSION SHOULD REJECT SCE AND PG&E’S PROPOSAL AGAINST HOLDING SPACE IN THEIR EOCs FOR EMERGENCY REPRESENTATIVES

Both SCE and PG&E propose to modify the requirement for utilities to hold space in their EOCs for emergency representatives.¹³ SCE wants to invite emergency representatives from affected water infrastructure providers and communication providers only if requested, and only “if space is available,” whereas PG&E wants to accommodate those representatives only “to the extent the utility believes it would not hinder the emergency response.”¹⁴ Once again, SCE and PG&E fail to grasp that de-energization is a disruption of an essential public service which affects the public greatly, and the utilities need to recognize that they are not the only stakeholders. Thus, other public stakeholders should not be treated as a hindrance or as nice-to-have, but only if space is available. In order for harm to the public to be minimized as a result of de-energization, all the stakeholders must work jointly and collaboratively. Thus, the Commission should reject SCE’s and PG&E’s proposal.

VI. THE COMMISSION SHOULD REJECT THE IOUS’ REQUEST TO RECORD COSTS TO A MEMORANDUM ACCOUNT SINCE THEY HAVE NOT ESTABLISHED THAT THE COSTS ARE INCREMENTAL

SDG&E, SCE, and PG&E all request cost tracking and recovery for public education and outreach campaigns.¹⁵ Whether the costs that SDG&E, SCE, and PG&E seek to record are incremental to previously authorized rates is a fundamental requirement that must be satisfied before any rate recovery may be allowed. All the IOUs have public education and outreach campaign dollars that have been authorized by the respective GRCs. Furthermore, de-energization rules and guidelines have been adopted for SDG&E for many years, so it is reasonable to assume that it has conducted public education regarding de-energization in the past. Similarly, PG&E has been conducting outreach campaigns regarding the upcoming fire season and potential de-energization events. The IOUs have not made a showing to establish that costs for these public education and outreach campaigns are indeed incremental to

¹³ SCE Opening Comments on PD, pp. 10-11; PG&E Opening Comments on PD, p. 7.

¹⁴ *Id.*

¹⁵ SDG&E Opening Comments on PD, p. 2; SCE Opening Comments on PD, pp 3-4; PG&E Opening Comments on PD, pp. 10-11.

previously authorized costs. Until and unless the IOUs make such a showing, the Commission should reject any request to record or recover costs for these efforts.

VII. TURN SUPPORTS CERTAIN RECOMMENDATIONS OF OTHER PARTIES

Other parties in the proceeding have provided recommendations in addition to the ones offered by TURN. TURN believes that the following recommendations have particular merit and should be adopted by the Commission:

- The Joint Communications Parties’ recommendation to revise the “Timing and Notification” language to state that “[E]xcept as a result of circumstances beyond the electric investor-owned utilities control, the electric investor-owned utilities should adhere to the following notification timeline...”¹⁶
- California Large Energy Consumers Association’s recommendation that the PD should require broad sharing of the characteristics and thresholds used by the utility when considering de-energization with customers and the public.¹⁷

VIII. CONCLUSION

For the foregoing reasons, TURN recommends that the Commission adopt the recommendations set forth herein.

Dated: May 21, 2019

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¹⁶ Joint Communications Parties Opening Comments on PD, pp. 5-6.

¹⁷ California Large Energy Consumers Association Opening Comments on PD, pp. 10-11.