

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



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Order Instituting Rulemaking to Implement
Electric Utility Wildfire Mitigation Plans
Pursuant to Senate Bill 901 (2018).

Rulemaking 18-10-007
(Filed 10/25/2018)

**COMMENTS ON WILDFIRE MITIGATION PLANS BY THE
CITY OF MALIBU**

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Dated: March 13, 2019

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INTRODUCTION

The City of Malibu (Malibu) appreciates the opportunity to submit comments on the wildfire mitigation plans (WMPs). Malibu has experienced a catastrophic wildfire firsthand during the recent Woolsey fire, resulting in mass evacuations of Malibu residents and significant damage to the area. The lessons learned during this catastrophe should be used to guide the development of all WMPs, and Malibu appreciates being afforded the opportunity to provide comments.

As explained below, with exception of general comments related to the Commission's approval of the plans, all of Malibu's comments are to the plan submitted by Southern California Edison (SCE).

1. MEANING OF PLAN APPROVAL (ALL WMPS)

Based on the language of SB 901 and consistent with sound policy, it is clear what Commission approval of wildfire mitigation plans does and does not mean. Commission approval of the plans ensures compliance with Public Utilities Code section 8386. Moreover, Commission approval of a plan and compliance with the approved plan does not guarantee cost

recovery under Section 451.1. Rather, it is simply one factor that should be considered under the statute. In addition, approval of the plan and compliance with the same does not act as a safe harbor to any potential enforcement action. Lastly, approval of the Commission does not mean that any new or expanded programs proposed in the plan and associated costs are approved. Rather, these programs and associated costs must be approved through the normal rate-making processes.

Approval Satisfies Section 8386

At its most basic level, Commission approval of a mitigation plan satisfies the requirement to adopt and maintain those plans in Section 8386. It ensures compliance with this requirement. Moreover, Commission approval clarifies the applicable plan. Under Section 8386(e), an approved plan remains in effect until a new or modified plan is approved by the Commission.

At a more general level, Commission approval of a mitigation plan ensures that utilities are conducting the necessary planning level review of their ability to avoid, mitigate and respond to catastrophic wildfires. The increase in the number and scope of these events requires a careful, systematic approach, and the WMPs provide a formal framework for the development and refinement of these considerations.

Approval Does Not Guarantee Cost Recovery or Act as a Safe Harbor

Importantly, approval does not truncate Commission review of the reasonableness of a utility's actions in the event of a catastrophic wildfire. Specifically, under Section 451.1, utilities may recover the costs associated with a wildfire if the Commission determines that the "costs and expenses are just and reasonable, after consideration of the conduct of the utility." (§ 451.1(a).) The statute sets forth twelve factors that the Commission may consider when

making this determination. One of these twelve factors is “[t]he electrical corporation’s compliance with regulations, laws, commission orders, and its wildfire mitigation plans prepared pursuant to Section 8386, including its history of compliance.” (§ 451.1(a)(9).) As such, compliance with a WMP does not guarantee cost recovery under Section 451.1. It is simply one part of the twelve-factor test considered by the Commission. While mandated by law, this conclusion is consistent with good policy. WMPs are intended to be an iterative document with expected modifications based on experience and technological advancement. If compliance with a WMP entitled a utility to cost recovery, there would be no incentive to ensure that the plans included best practices or incorporated new and improved techniques and technologies.

Similarly, approval of a mitigation plan does not act as a safe harbor against a Commission enforcement action. Under Section 8386(f), “[t]he commission’s approval of a plan does not establish a defense to any enforcement action for a violation of a commission decision, order or rule.” Again, this is consistent with good policy. While plans will be submitted annually, they may not reflect current law at all times. Moreover, WMPs function as high-level planning documents. They cannot anticipate all operational level decisions that could result in an enforcement action. Lastly, as noted below, approval of a WMP does not automatically approve all identified programs. It is possible the Commission may decide to modify the scope or substance of an identified program in the utility’s general rate case. A future enforcement action would likely judge the utility’s compliance with the approved program and not the initial plan.

Approval Does Not Approve New or Increased Programs and Associated Costs

Approval of a mitigation plan also does not approve any new or increased programs in the plan and associated costs. Under Section 8386(g), “[t]he commission shall consider whether

the cost of implementing each electrical corporation's plan is just and reasonable in its general rate case application." The WMP therefore acts as a planning level document that identifies planned programs but does not entitle the utility to full cost recovery. Rather, these programs are approved in the utility's general rate case.¹

Practically, this is the only possible result. While the Commission has established a procedural schedule for this proceeding that ensures an opportunity to comment as required under Section 8386(d), there is no opportunity for the development of a carefully vetted evidentiary record necessary to review the reasonableness of the costs of implementing a plan. This can only occur in a general rate case or similar proceeding.

2. OVERALL OBJECTIVES AND STRATEGIES

No comments.

3. RISK ANALYSIS AND RISK DRIVERS

No comments.

4. WILDFIRE PREVENTION STRATEGY AND PROGRAMS

Malibu appreciates the strategies and programs identified by SCE in its mitigation plan. However, Malibu recommends that the Commission require SCE to modify and improve some of these proposed programs. (See § 8386(b).) These modifications are recommended to improve coordination between SCE and affected local governments. (§ 8386(d).) Effective communication and coordination between SCE between and all affected local governments is vital in the event of a wildfire event.

¹ Utilities utilize a memorandum account for interim costs and expenses related to the plan. (§ 8386(j).)

SCE Program 4.3.3.2.2 Undergrounding Overhead Conductor (Activity SH-2)

(p. 53)

SCE indicates that it will conduct an evaluation to determine the highest risk portions of its HFRA and “where SCE’s circuits are critical to first responders to determine if there are certain sections that should be undergrounded.” It further notes that this evaluation may lead to engineering and design work in 2019 and construction in late 2019/early 2020. Malibu supports efforts to underground lines in the HFRA, especially when necessary for first responders. However, SCE should coordinate with first responders, including affected cities, when making these determinations. First responders are best able to provide this input and SCE’s plan currently does not include any outreach or coordination with this community. This should occur before any decisions on which lines should be undergrounded occurs. A recommended edit is below:

- “Additionally, and as part of its continued efforts to reduce wildfire risk, in 2019, SCE will conduct an evaluation, with input from local and state first responders, to determine the highest risk portions of its HFRA and assess SCE’s circuits around those areas that may be inaccessible should a fire occur and where SCE’s circuits are critical to first responders to determine if there are certain sections that should be undergrounded.” (SCE WMP, p. 53.)

**SCE Program 4.6.2 TACTICAL AND STRATEGIC DECISION-MAKING
PROTOCOL FOR INITIATING A PSPS/DE-ENERGIZATION (p.65)**

SCE identifies a number of considerations it evaluates when deciding to preemptively shutoff power. While Malibu will be providing detailed comments regarding this process in the on-going de-energization OIR, SCE’s list of considerations should be modified. Specifically,

SCE indicates in 4.6.4.1 that it is coordinating with local governments regarding situational awareness and other concerns with de-energizing certain circuits. However, the considerations in 4.6.2 do not indicate that SCE is actually considering or acting upon this feedback when deciding to shutoff power. Rather, it is only considering input from local and state fire authorities. While input from affected fire authorities is vital, it is not a substitute for input from all affected local agencies.

Malibu anticipates that SCE will be considering general local agency input as part of its consideration of “Expected impact of de-energizing circuits on essential services.” However, this is not clear. This consideration should be revised to read:

- “Expected impact of de-energizing circuits on essential services, including any related input from affected counties, cities and other local agencies.” (SCE WMP, p. 65.)

SCE Program 4.6.4.1 De-Energization Notifications (Activity PSPS-1) (p. 66)

SCE outlines a number of notification efforts in the event of a de-energization event. (SCE WMP, p. 66.) These largely involve digital efforts. Malibu supports these efforts. However, SCE should also be considering non-digital notification efforts. In the event that the number and length of de-energization events increase, it may not be possible to rely on telephone and internet service to ensure delivery of notifications. SCE should be exploring creative and innovative non-digital notification systems. For example, SCE may wish to research the concept of a fire siren that could be mounted on a drone and deployed in areas that have been de-energized in the event a fire breaks out by another cause. While this may be infeasible, it represents the type of creative solution that SCE should be exploring.

SCE Program 4.6.5.1 Essential Service Providers (p. 68)

Malibu generally agrees with the list of essential service providers. However, all potable water and sewage utilities are essential service providers. It is not limited to those necessary for firefighting. Moreover, all sewage utilities are essential service providers (whether or not they are a treatment agency). For example, there are a number of sewer collection utilities that utilize a third-party treatment agency. These utilities are as essential as those providing treatment. As such, this list should be modified as follows:

- “Water and sewage ~~treatment~~ utilities ~~identified as necessary for services such as firefighting.~~” (SCE WMP, p. 68.)

SCE Program 4.6.5.5.3 Mobile Generator Deployment (p. 70)

SCE indicates that it will consider requests to provide back-up generators to affected local governments, first responders and essential service providers. SCE will provide back-up generators after coordinating with the “emergency management community at the county level.”

This should be modified in two respects. First, if an essential service provider is unable to sustain critical life-safety operations during a power outage, SCE should not be considering a request for a generator. SCE must be providing a generator if available. This is simply a matter of public safety. Second, while it is important to coordinate with county-level emergency management, this is not sufficient. Any de-energization event must be coordinated with all affected local emergency management staff. This must include affected cities.

For these reasons, Malibu recommends the following two edits to this section:

- “However, if essential service providers are unable to sustain critical life/safety operations during an extended power outage, SCE will ~~consider requests to~~

provide temporary mobile backup generation to the extent possible.”
(SCE WMP, p. 70.)

- “Through the existing PSPS communication plan noted above in Section 4.6.4, SCE will coordinate closely with the emergency management community at the county and city level to identify and prioritize back-up generation needs in the following order....” (SCE WMP, p. 70.)

SCE Program 4.6.5.6 Community Outreach Vehicles (p. 71)

SCE indicates that it will be providing Community Outreach Vehicles during a shut-off event. These vehicles provide back-up power and allow affected customers to charge personal devices (mobile phones, tablets, laptops, etc.). Vehicles will be deployed within eight hours of a de-energization event.

Malibu supports the deployment of Community Outreach Vehicles. Given SCE’s reliance on digital outreach, it is imperative that affected customers have access to power supplies for phones, tablets, laptops and similar devices. These devices currently provide the best way to contact and communicate with customers during a de-energization event. As an example, Malibu relied heavily on website and social media updates to provide necessary information to its residents during the Woolsey fire.

Given this, an eight-hour time delay for deployment is unacceptable. SCE should deploy Community Outreach Vehicles as part of its implementation of a shut-off event. This ensures uninterrupted access to back-up power as necessary for affected customers. Malibu recommends the following edit:

- “Community Outreach Vehicles ~~can~~ shall typically be pre-deployed and staged in ~~to~~ affected areas to respond immediately if a PSPS is initiated within 8 hours and

~~their deployment and~~ will be managed through the IMT and PSPS Task Force.”

(SCE WMP, p. 71.)

5. **EMERGENCY PREPAREDNESS, OUTREACH AND RESPONSE**

No comments.

6. **PERFORMANCE METRICS AND MONITORING**

No comments.

7. **RECOMMENDATIONS FOR FUTURE WMPS**

No comments.

8. **OTHER ISSUES**

No comments.

DATED: March 13, 2019

Respectfully submitted,

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