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Subject: Comments of the Public Advocates Office on San Diego Gas & Electric Company's 2020 Wildfire Mitigation Plan Remedial Compliance Plan

INTRODUCTION

The Public Advocates Office at the California Public Utilities Commission (Cal Advocates) submits these comments in response to the Remedial Compliance Plan for San Diego Gas & Electric Company's (SDG&E) 2020 Wildfire Mitigation Plan (WMP). SDG&E fails to remedy the serious deficiencies in its WMP that were identified by the Wildfire Safety Division (WSD) in Resolutions WSD-002 and WSD-005. The WSD should issue a finding that SDG&E's Remedial Compliance Plan is insufficient to resolve both underlying deficiencies: Condition SDGE-13¹ and Condition Guidance-3.²

To remedy Condition SDGE-13,³ the WSD should require SDG&E to provide a detailed research plan. To remedy Condition Guidance-3, the WSD should require SDG&E to submit a supplemental plan within 15 calendar days that provides a detailed description of how SDG&E's risk modeling and risk assessment techniques apply to the initiatives in its WMP.

Furthermore, the Commission or the WSD should impose sanctions on SDG&E related any continuing failure to comply with Condition SDG&E-13 and Decision (D.) 19-05-039.⁴

¹ Resolution WSD-005 - *Resolution Ratifying Action of the Wildfire Safety Division on San Diego Gas & Electric Company's 2020 Wildfire Mitigation Plan Pursuant to Public Utilities Code Section 8386*, June 11, 2020 (Resolution WSD-005) Appendix A, p. A-9.

² Resolution WSD-002 - *Guidance Resolution on 2020 Wildfire Mitigation Plans Pursuant to Public Utilities Code Section 8386*, June 11, 2020 (Resolution WSD-002) Appendix A, p. A-3.

³ Condition SDGE-13 relates to SDG&E's failure to support of its use of extended clearances between vegetation and electric lines to decrease wildfire risk, despite the fact that available evidence suggests that extended clearances do not reduce the risk of wildfires. See Section B 3 of these comments at pp. 6-7.

⁴ D.19-05-039, *Decision on San Diego Gas & Electric Company's 2019 Wildfire Mitigation Plan Pursuant To Senate Bill 901*, adopted May 30, 2019 and issued June 6, 2019 in Rulemaking (R.) 18-10.007, Ordering Paragraph 5 at pp. 29-30, "San Diego Gas & Electric Company may implement a 25-foot post-trim clearance where necessary and feasible if such a practice is supported by scientific evidence or other data showing that such clearance will reduce risk under wildfire conditions."); Ordering Paragraph 6 at p. 30 ("In San Diego Gas & Electric Company's next Wildfire Mitigation Plan, it shall

I. DISCUSSION & RECOMMENDATIONS

A. Background

The WSD has repeatedly determined that SDG&E's WMP suffers from the most serious deficiencies.⁵ Specifically, Resolutions WSD-002 and WSD-005 each identified Class A deficiencies in SDG&E's 2020 WMP. As a result, SDG&E was required to file a Remedial Compliance Plan to demonstrate SDG&E's plan to remedy these deficiencies. The WSD provided criteria for judging the remedial plans in its July 17, 2020, *Guidance on the Remedial Compliance Plan & Quarterly Report Process Set Forth in Resolution WSD-002* (Guidance Statement).

The Guidance Statement established three criteria to measure the sufficiency of the Remedial Compliance Plans: 1) completeness; 2) effectiveness, and; 3) feasibility.⁶ Based on these criteria, the WSD states that the Remedial Compliance Plan will be determined to be either sufficient or insufficient. The WSD states that if a Remedial Compliance Plan is deemed insufficient "the WSD may issue further guidance concurrent with a finding of insufficiency," and that "the WSD may recommend that the Commission take further action."⁷

B. SDG&E's Remedial Compliance Plan is insufficient to resolve the deficiency regarding vegetation management (Condition SDGE-13)

The WSD found that SDG&E's WMP was deficient because it failed to provide guidelines for the application of extended clearances between vegetation and electric lines or evidence that "such clearance will reduce wildfire risk."⁸

SDG&E's Remedial Compliance Plan is not sufficient to remedy the deficiency identified in Condition SDGE-13 of Resolution WSD-005. Condition SDGE-13 in WSD-005 requires SDG&E to provide a research plan for a study of the effectiveness of extended vegetation clearances. Specifically, it requires SDG&E to compare areas with different post-trim clearances and to collaborate with Pacific Gas and Electric Company (PG&E) and Southern California Edison Company (SCE) on a study of the impact of clearance distances.⁹ SDG&E's research plan does not remedy the deficiency, and will not provide usable evidence that the expanded post-trim clearances (extended clearances)¹⁰ provide sufficient benefit in terms of ignition

propose detailed guidelines for where a 25-foot post-trim clearance for vegetation management is both feasible and necessary.")

⁵ The WSD states that a Class A deficiency is the "most serious" type of deficiency, indicating that "aspects of the WMP are lacking or flawed." Resolution WSD-002, p. 17.

⁶ *Guidance on the Remedial Compliance Plan & Quarterly Report Process Set Forth in Resolution WSD-002*, p. 4.

⁷ *Guidance on the Remedial Compliance Plan & Quarterly Report Process Set Forth in Resolution WSD-002*, p. 4.

⁸ WSD-005, p. A9, Condition SDGE-13.

⁹ WSD-005, p. A9, Condition SDGE-13.

¹⁰ The Public Advocate's Office does not use SDG&E's presumptuous and inaccurate term "enhanced clearance," because SDG&E has not provided evidence that wider post-trim vegetation clearances are an "enhancement" in any relevant sense. This is precisely the issue at hand: whether such clearances reduce wildfire risk or are an appropriate use of resources.

prevention to justify the added expense. Moreover, SDG&E has not complied with the Commission's order that directed SDG&E to provide "scientific evidence or other data" to support the need for extended clearances.¹¹

1. SDG&E's research proposal is insufficient because it is incomplete and will not be effective.

SDG&E's research plan is insufficient to satisfy the condition imposed by WSD-005. SDG&E developed a paltry and uninformative research plan. SDG&E merely proposes that the utilities:

document the dates that trees were trimmed to the enhanced clearance values and document the enhanced clearance trees in their databases. The utilities would then compare vegetation related outage data and ignition data on trees that did not meet the enhanced clearance to the vegetation related outages and ignition data to trees that did meet the enhanced clearance. Since these enhanced programs are new, the utilities acknowledged that it will take some time to gather enough data to have comparable sample sizes.¹²

SDG&E then states that the utilities have agreed that "the before and after comparison should be on the vegetation management performance within the HFTD [high fire threat district] only."¹³

SDG&E's Remedial Compliance Plan does not indicate consultation or collaboration with outside experts to help design the plan, or verify its validity. Moreover, as SDG&E acknowledges, the research plan will not provide additional data in the near term that might justify (or argue against) the extended clearances that SDG&E has already implemented.

A sufficient research plan would include the currently available data on the extended clearances that have been implemented, and a baseline of evidence to evaluate whether extended clearances are an effective mitigation to reduce the risk of SDG&E's infrastructure igniting a wildfire. The Remedial Compliance Plan submitted by SDG&E provides no such information in the near term.

Even more troubling, SDG&E's research plan won't show that SDG&E will produce informative and reliable data in the long term. Among the issues left unaddressed in SDG&E's research plan are the following:

- What is the timeline for this research project? What are the steps in the project and how long will each step require? (For example, SDG&E merely observes that "it will take some time" to gather data.)¹⁴
- Who holds overall responsibility for conducting this research?
- What is a unit of observation for the purposes of this research – for example, is it a single tree, a mile of right-of-way, or a circuit?

¹¹ D.19-05-039, Ordering Paragraph 5.

¹² *San Diego Gas & Electric Company's 2020 Wildfire Mitigation Plan Remedial Compliance Plan*, p. 5.

¹³ *San Diego Gas & Electric Company's 2020 Wildfire Mitigation Plan Remedial Compliance Plan*, p. 5.

¹⁴ SDG&E 2020 Remedial Compliance Plan, p. 5.

- What is an adequate sample size to produce accurate and reliable results? What sampling methodology will SDG&E use? How will SDG&E ensure that its sample is representative and valid?
- How will SDG&E isolate the impact of clearance distances from confounding factors, such as local geography and weather?
- Who will collect the data? How will SDG&E ensure that data is collected accurately?
- Who will analyze the data? What analytical methods will SDG&E use to analyze the data?
- Will the research be reviewed by any independent experts?

In short, what SDG&E's Remedial Compliance Plan lacks is *all* of the elements of an actionable research plan.

SDG&E has been aware of the Commission's directive to provide evidence of the efficacy of implementing extended clearances for over a year, since D.19-05-039 issued on May 30, 2019. The Decision required SDG&E to support the proposed extended clearances with "scientific evidence or other data showing that such clearances will reduce risk under wildfire conditions" prior to implementation.¹⁵ SDG&E has had more than a year to develop and provide evidence that implementing clearances that are twice as large as those required by General Order (GO) 95,¹⁶ is worth the costs to ratepayers.

Ultimately, SDG&E's efforts: 1) are incomplete, comprising nothing measurable by the Commission or WSD; 2) are ineffective as they lack criteria for measurement of success or failure and lack timelines and accountability measures; and 3) do not include items that allow measurement of feasibility in completion and measurement of the work. The WSD must apply the standards that it has established and find SDG&E's filing insufficient to resolve Condition SDG&E-13.

2. The WSD cannot reasonably assume that extended clearances decrease wildfire risk.

It would be inappropriate and unreasonable for the WSD to simply assume that larger vegetation clearance distances will reduce wildfire risks. Rather, this is an empirical question and indeed, the best evidence yet presented to the WSD suggests otherwise.

Extended clearances may have side effects that increase risk. The Wildfire Safety Advisory Board (WSAB) has raised concerns that utility vegetation management practices can increase fire risk, especially in non-forested areas. Removing native shrubs may encourage the growth of dry grasses, "which may create a more flammable environment."¹⁷ Similarly, removing native plants may encourage the growth of invasive species.

¹⁵ D.19-05-039, p. 10; Ordering Paragraph 5 at pp. 29-30.

¹⁶ D.19-05-039, p. 10 citing GO 95, Appendix E (12 feet in the HFTD for lines operating at 72kV or less – typical distribution and sub-transmission line voltages).

¹⁷ Wildfire Safety Advisory Board, *Recommendations on the 2020 Utility Wildfire Mitigation Plans*, April 15, 2020 (WSAB Recommendations on WMPs), p. 16.

Considering these concerns, the WSAB specifically recommended that extended clearances “should at a minimum be reviewed by several fire scientists and ecologists.”¹⁸ The WSAB concluded that “it is questionable whether the fuels treatment programs that extend beyond the required ... 12-foot radius should be part of the utilities’ responsibility.”¹⁹

The Mussey Grade Road Alliance (MGRA) has also shown that there is substantial doubt as to whether extended clearances reduce wildfire risk.²⁰ Based on an analysis of outage data that is more substantive and detailed than anything SDG&E has yet provided, MGRA finds that current evidence does not show any benefits of 25-foot clearances, at least with respect to oak trees. Instead, when oak trees cause outages, the problem is almost always a tree within the 12-foot required clearance distance or a tree with noticeable defects.²¹

Additionally, MGRA shows that SDG&E’s identification of high-risk tree classifications is flawed. SDG&E identifies eucalyptus, pine, palm, oak, and sycamores as high-risk classifications. However, MGRA’s analysis shows that, once the number of trees is taken into account, eucalyptus and sycamores are much more likely to cause outages or ignitions than oaks, pines, or palms.²²

Finally, MGRA observes that extended clearances have significant negative “environmental, aesthetic, and cultural impacts.”²³

3. SDG&E has not complied with Ordering Paragraphs 5 and 6 in D.19-05-039.

As discussed in Section 1 of these comments, SDG&E has failed to comply with the Decision’s order to include “detailed guidelines for where a 25-foot post-trim clearance for vegetation management is both feasible and necessary.”²⁴ This disregard of a Commission order resulted in the issuance of Condition SDGE-13. WSD-005 finds that “SDG&E does not detail proposed guidelines for areas where such a clearance is both feasible and necessary, or scientific evidence or other data showing that such clearance will reduce wildfire risk, as directed in our decision approving SDG&E’s 2019 WMP.”²⁵

¹⁸ WSAB Recommendations on WMPs, p. 18.

¹⁹ WSAB Recommendations on WMPs, p. 17.

²⁰ *Mussey Grade Road Alliance Comments on 2020 Wildfire Mitigation Plans of SDG&E, PG&E, and SCE*, April 7, 2020, pp. 29-37.

²¹ MGRA Comments on WMPs, p. 35:

In five years, there were only ten cases of oak-line contact in the HFTD, and in almost all cases there were visible tree defects, the tree was already in SDG&E’s 12-15 foot trim distance, or the tree may have fallen onto SDG&E equipment even if a 25 foot trim had been applied. In one case (7/31/2016), if the heart rot had been detected the tree might have been removed with a larger treatment zone, but no evidence is presented that it would have been seen.

²² MGRA Comments on WMPs, p. 30.

²³ MGRA Comments on WMPs, p. 29.

²⁴ D.19-05-039, Ordering Paragraph 6 at p. 30 (“In San Diego Gas & Electric Company’s next Wildfire Mitigation Plan, it shall propose detailed guidelines for where a 25-foot post-trim clearance for vegetation management is both feasible and necessary.”).

²⁵ Resolution WSD-005, p. 38.

SDG&E has also violated another order in the Decision. Specifically, D.19-05-039 declined to adopt SDG&E's proposal, and instead, the Commission ordered SDG&E to limit its use of extended tree trimming clearances as follows: "if SDG&E plans to create a 25-foot clearance during [the 2019] WMP cycle, it may only do so if such a practice is supported by scientific evidence or other data showing that such clearance will reduce risk under wildfire conditions."²⁶ In direct contravention of this order,²⁷ SDG&E initially proposed and, even in the face of the deficiencies found, has now implemented extended clearances without providing any evidence or data supporting their efficacy in reducing wildfire risk and is currently seeking to recover the costs of this unauthorized program from ratepayers.²⁸

4. WSD or the Commission should impose sanctions to enforce compliance.

SDG&E has blatantly disregarded two Commission orders and subsequently refused to effectively respond to the requirements of Condition SDGE-13 of Resolution WSD-005. In light of this intransigence, as a matter of law the WSD must conclude that SDG&E's failure to resolve the deficiencies identified in WSD-005 means that SDG&E has not meet the requirements for approval of its 2020 WMP.²⁹ The WSD should prepare a draft resolution (for Commission ratification) stating that SDG&E's conditional approval has expired and directing SDG&E to submit a revised WMP. Absent an approved 2020 WMP, SDG&E would not qualify for safety certification in 2020.³⁰

In addition, the Public Advocates Office suggests the Commission and/or WSD adopt one or more of the following remedies.

a. Conclude that SDG&E's WMP is not implementable due to the uncorrected deficiencies.

Vegetation management is a major component of every utility's wildfire mitigation plan, and SDG&E's vegetation management strategy violates D.19-05-039 and condition SDGE-13. SDG&E has failed to provide guidelines for where extended clearances are "both feasible and necessary."³¹ Additionally, SDG&E's Remedial Compliance Plan submission on vegetation management is so vague and incomplete that it is not actionable. Therefore, it is reasonable to conclude that SDG&E's WMP cannot be implemented in its current form. This precludes SDG&E from receiving a 2020 safety certification: Public Utilities Code Section 8389(e)(7) requires that to receive its safety certification, an electrical corporation must be "implementing its approved wildfire mitigation plan."

²⁶ D.19-05-039, p. 10; Ordering Paragraph 5 at pp. 29-30 ("San Diego Gas & Electric Company may implement a 25-foot post-trim clearance where necessary and feasible if such a practice is supported by scientific evidence or other data showing that such clearance will reduce risk under wildfire conditions.").

²⁷ D.19-05-039, Ordering Paragraph 5, pp. 29-30.

²⁸ SDG&E is seeking cost recovery related to implementation of expanded post trim clearances in the HFTD in A.20-007-003. See Prepared Direct Testimony of Don Akau, pp. DA-7 to DA-8.

²⁹ Since the WSD approved SDG&E's WMP with the condition antecedent, that SDG&E meet specific requirements by specified deadlines (and the Commission ratified that action), the approval is void if SDG&E fails to meet the conditions of approval by the deadline.

³⁰ Public Utilities Code Section 8389(e)(1).

³¹ WSD-005, p. A9, Condition Guidance-13.

b. Issue an order to show cause in R.18-10-007.

The Commission should require SDG&E to demonstrate why it should not be penalized for its failure to comply with Ordering Paragraphs 5 and 6 of D.19-05-039. There is clear *prima facie* evidence that SDG&E has failed to comply, therefore it is appropriate to issue an order to show cause why SDG&E should not be sanctioned.

c. Determine that SDG&E failed to comply with its 2019 WMP.

SDG&E's failure to meet the conditions of its 2019 WMP approval³² at any time since May 30, 2019, means that SDG&E failed to comply with its 2019 WMP. Pursuant to its authority under Public Utilities Code Section 8389(g), the WSD can accordingly recommend that the Commission pursue an enforcement action against SDG&E for noncompliance with its 2019 WMP.

d. Determine that SDG&E's is not in compliance with its 2020 WMP.

SDG&E's failure to submit an effective Remedial Compliance Plan to remedy the deficiencies identified in its 2020 WMP means that SDG&E is not in compliance with its 2020 WMP. Accordingly, the WSD should recommend that the Commission pursue an enforcement action against SDG&E for noncompliance with its conditionally approved 2020 WMP.³³

SDG&E has not made a serious effort to comply with the Commission's orders in D.19-05-039, or the remedial requirements of WSD-005, despite ample opportunities to meet those requirements. It appears SDG&E will not obey the directives of the Commission or the WSD unless there are significant consequences for its failure to comply. The Commission or the WSD must adopt remedies to uphold the Commission's and the WSD's orders and obtain full compliance.

C. SDG&E's Remedial Compliance Plan is insufficient to resolve Condition Guidance-3.

Condition Guidance-3 applies to all of the utilities filing a WMP, and requires each utility to submit information on its risk modeling techniques, provide a timeline to apply risk modeling to prioritize initiatives, and describe how it expects to improve its risk analysis.³⁴ Risk analysis is important, because "[b]y continuing to improve wildfire risk modeling and basing ... wildfire mitigations on its wildfire risk modeling outputs, electrical corporations can potentially achieve a greater level of risk reduction with the same resources."³⁵

SDG&E's Remedial Compliance Plan is incomplete with respect to parts (i) and (ii) of Condition Guidance-3.³⁶ For example, SDG&E does not explain how its risk modeling and risk assessment programs inform the individual initiatives included within the WMP, as required by part (i). The WSD should direct SDG&E to provide a new remedial filing addressing how it applies risk-

³² Specifically, Ordering Paragraphs 5 and 6 of D.19-05-039.

³³ Public Utilities Code Section 8389(g).

³⁴ WSD-002, Condition Guidance-3.

³⁵ Resolution WSD-002, p. 22.

³⁶ Resolution WSD-002, Appendix A, p. A-3.

based decision-making to each WMP initiative. SDG&E should follow the format of SCE's submission.³⁷

In addition, SDG&E does not actually describe "all wildfire risk analyses it currently performs," as required by part (ii). While SDG&E identifies that it has wildfire risk models, it does not explain the analysis involved in these models. Among other things, SDG&E's Remedial Compliance Plan does not explain:

- The data sources used for each model,
- The methodology used to develop the model (for example, regression analysis, machine learning, or physical modeling),
- The assumptions built into each model,
- The strengths, weaknesses and potential flaws of the models,
- The level of granularity or precision of each model, and
- How each risk model is tested and validated.

The WSD should direct SDG&E to submit a new remedial filing that addresses the above issues and provides a detailed description of its current wildfire risk analyses. The Public Advocates Office recommends SDG&E adopt aspects of the RCPs submitted by other utilities. In particular, SDG&E should emulate PacifiCorp's identification of the assumptions inherent in each model and the level of granularity of the model,³⁸ and SCE's reasonably detailed account of the data sources, analytical methods, and uses of each wildfire risk model.³⁹

SDG&E's failure to adequately respond to Condition Guidance-3 is not as serious as its repeated failures to provide information about its vegetation management strategy. The requirement to provide this level of detail on risk analysis is not longstanding, and SDG&E has not displayed the same intransigence and history of non-compliance as with Condition SDG&E-13. Rather than the penalties warranted above, here the WSD should require SDG&E to submit an additional remedial filing, with a detailed description of SDG&E's current risk analyses and how SDG&E's risk modeling and risk assessment techniques apply to the individual initiatives in its WMP within 15 calendar days.

CONCLUSION

The Public Advocates Office respectfully requests that the Wildfire Safety Division issue a finding that SDG&E's Remedial Compliance Plan showing is insufficient to resolve the underlying deficiencies. To remedy Condition SDG&E-13, WSD should require SDG&E to provide a detailed research plan. WSD should also ensure compliance with D.19-05-039 and Resolution WSD-005 by adopting one or more of the remedies discussed herein. To remedy Condition Guidance-3, WSD should require SDG&E to file a supplemental plan within 15 calendar days that fulfills all the requirements of the condition.

³⁷ Southern California Edison's Remedial Compliance Plans for Class A Conditions, Guidance-3 Lack of Risk Modeling to Inform Decision-Making (SCE 2020 Remedial Compliance Plan), July 27, 2020.

³⁸ PacifiCorp's 2020 Wildfire Mitigation Plan Remedial Compliance Plan, July 27, 2020.

³⁹ SCE 2020 Remedial Compliance Plan, pp. 2-5.

Respectfully submitted,

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Service List of R.18-10-007