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Via Electronic Mail

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Re: Comments of the Public Advocates Office on Draft Resolutions WSD-002 through WSD-009 Regarding Wildfire Mitigation Plans

I. INTRODUCTION

The Public Advocates Office at the California Public Utilities Commission (Cal Advocates) submits these comments on the Wildfire Safety Division's (WSD) resolutions for the 2020 Wildfire Mitigation Plans (WMP) submitted by the electrical corporations.¹ The WSD issued a Draft Guidance Resolution (WSD-002), and Draft Resolutions WSD-003 through WSD-009, which conditionally approve the 2020 WMPs submitted by the electrical corporations.

The Public Advocates Office recommends that:

- The electrical corporations submit comprehensive WMPs next year rather than just updates to their WMPs.

¹ *Draft Resolution Ratifying Action of the Wildfire Safety Division on Pacific Gas and Electric Company's 2020 Wildfire Mitigation Plan Pursuant to Public Utilities Code Section 8386, May 7, 2020, (Draft Resolution WSD-003); Draft Resolution Ratifying Action of the Wildfire Safety Division on Southern California Edison's 2020 Wildfire Mitigation Plan Pursuant to Public Utilities Code Section 8386, May 7, 2020 (Draft Resolution WSD-004); Draft 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, May 7, 2020 (Draft Resolution WSD-005); Resolution Ratifying Action of the Wildfire Safety Division on Bear Valley Electric Service's 2020 Wildfire Mitigation Plan Pursuant to Public Utilities Code Section 8386, May 7, 2020 (Draft Resolution WSD-006); Resolution Ratifying Action of the Wildfire Safety Division on Liberty Utilities' (CalPeco Electric) 2020 Wildfire Mitigation Plan Pursuant to Public Utilities Code Section 8386, May 7, 2020 (Draft Resolution WSD-007); Resolution Ratifying Action of the Wildfire Safety Division on PacifiCorp's 2020 Wildfire Mitigation Plan Pursuant to Public Utilities Code Section 8386, May 7, 2020 (Draft Resolution WSD-008); Resolution Ratifying Action of the Wildfire Safety Division on Horizon West Transmission's and Trans Bay Cable's 2020 Wildfire Mitigation Plans Pursuant to Public Utilities Code Section 8386, May 7, 2020 (Draft Resolution WSD-009).*

- The Draft Guidance Resolution clarify that WSD will accept and review comments on the Remedial Compliance Plans and Quarterly Reports required by the Draft Guidance Resolution.
- The WSD revise the draft resolutions to use the term “just and reasonable” in place of “legitimacy” for review of WMP costs.
- The WSD adopt standard terms to define the different types of performance metrics.
- The WSD link deficiencies identified in each of the individual draft resolutions to the associated conditions addressed in the Draft Guidance Resolution.
- The WSD shorten the intervals between the Off-Ramp Reports from six months to four months.
- Draft Resolution WSD-003 require Pacific Gas and Electric Company (PG&E) to correct its submission, as PG&E did not adhere to the WMP data normalization methodology.
- Draft Resolution WSD-003 replace the word “*places*” with the word “*instances*” regarding Deficiency PGE-2.
- Draft Resolution WSD-005² be modified to reject San Diego Gas & Electric Company’s (SDG&E) proposed 25-foot post-trim clearances, because SDG&E has not complied with the requirements of Decision (D.) 19-05-039.
- Draft Resolution WSD-005 be modified to recognize that SDG&E’s omission meets the requirements for a Class A deficiency³ and require SDG&E to submit a Remedial Action Plan.
- Draft Resolution WSD-005 be modified to specifically exclude SDG&E’s proposed whole-home generator program because the program is not justified by statute and is unlikely to meet the “just and reasonable” standard.⁴
- The WSD require Liberty Utilities to include updates in its Quarterly Reports on the progress of implementing improvements to its system-wide survey, asset inventory database, and upgrades to its Geographic Information System (GIS) until completion of the proposed improvements.

² Draft Resolution WSD-005.

³ Class A deficiencies mean that “aspects of the WMP are lacking or flawed.” Draft Resolution WSD-005, p. 4.

⁴ Public Utilities Code Section 451.

II. DISCUSSION AND RECOMMENDATIONS

A. The Electrical Corporations with Plans That Were Conditionally Approved Should Submit Comprehensive WMPs Rather Than Just Updates to Their WMPs.

The Draft Guidance Resolution states that WSD may allow an electrical corporation to satisfy the annual filing requirement⁵ by submitting an update to the electrical corporation's last approved comprehensive WMP, providing that each electrical corporation submits a comprehensive wildfire mitigation plan at least once every three years.⁶

The Draft Guidance Resolution notes that the individual draft resolutions (WSD-003 through WSD-008) conditionally approve the WMPs of six electrical corporations, which means that the WMPs are approved upon resolution of identified deficiencies.⁷ The Draft Guidance Resolution notes that two of the electrical corporations, Trans Bay Cable LLC and Horizon West Transmission, have "minimal ignition risk due to their locations and footprints."⁸ Draft Resolution WMP-009 unconditionally approves the WMPs of Trans Bay Cable LLC and Horizon West Transmission.

The Draft Guidance Resolution also authorizes all electrical corporations to submit updates to their plans in 2021 with details of a staggered schedule to follow.⁹ The Public Advocates Office does not oppose a staggered schedule for the submission of WMP filings.¹⁰

However, the Draft Guidance Resolution's determination that the six electrical corporations with plans that were only conditionally approved can satisfy their obligation to prepare and submit a WMP in 2021 by submitting updates to their WMPs, rather than comprehensive filings, is contradicted by the significant findings in the WSD's draft resolutions that evaluate the WMPs of the six electrical corporations.¹¹

The WSD's draft resolutions that address the individual electrical corporations' WMPs correctly identify numerous deficiencies. This includes two Class A deficiencies in the WMP of Southern California Edison Company (SCE)¹² and four Class A deficiencies in Pacific Gas and Electric

⁵ Public Utilities Code Section 8386(d).

⁶ Draft Guidance Resolution, p. 29; Finding of Fact 16, pp. 33-34.

⁷ Draft Guidance Resolution, May 7, 2020, Ordering Paragraph 11, p. 36.

⁸ Draft Guidance Resolution, p. 30.

⁹ Draft Guidance Resolution, Ordering Paragraph 5, p. 34.

¹⁰ Staggering WMP filings is authorized in PU Code Section 8386(b). The WSD has discretion on requiring updated versus comprehensive annual filings, so long as there is a comprehensive filing at least every three years.

¹¹ In contrast, Draft Resolution WSD-009 unconditionally approves the WMPs of the two transmission operators that submitted WMPs. Accordingly, an update rather than a full WMP would be appropriate.

¹² Draft Resolution WSD-004, pp. 17-18, 37.

Company (PG&E)'s WMP.¹³ Class A deficiencies mean that aspects of the WMP are missing or flawed¹⁴ and are:

...of the highest concern and require an electrical corporation to develop and submit to WSD, within 45 days of Commission ratification of WMP Resolutions, an RCP [Remedial Compliance Plan] to resolve the identified deficiency. An RCP must present all missing information and/or articulate the electrical corporation's plan, including proposed timeline, to bring the electrical corporation's WMP into compliance.¹⁵

WSD's review of the six electrical corporations' WMPs also reveals numerous Class B and Class C deficiencies¹⁶ which demonstrates the need for continued close monitoring of the electrical corporations' plans to decrease utility-caused wildfire risk.

In addition to the deficiencies that WSD has identified in PG&E's WMP, PG&E continues to fall short when its wildfire practices are closely scrutinized. PG&E pled guilty to 84 counts of involuntary manslaughter and one count of unlawfully starting a fire for its role in igniting the 2018 Camp Fire when PG&E's transmission component failed.¹⁷ Despite admitting to causing these 84 fatalities, PG&E has steadfastly refused to acknowledge that its transmission inspection practices were inadequate.¹⁸ Given PG&E's record of safety failures, it is not reasonable to allow PG&E only to provide an update in 2021, rather than a comprehensive plan. Considering the significant risk of fatalities and destruction posed by wildfires, the deficiencies identified in the other electrical corporations' WMPs also warrant closer scrutiny.¹⁹ Those deficiencies include SCE's failure to

¹³ Draft Resolution WSD-003, pp. 17, 29, 43, 61.

¹⁴ Draft Guidance Resolution, Finding of Fact 8, p. 32.

¹⁵ Draft Guidance Resolution, Finding of Fact 9, p. 33.

¹⁶ See, Draft Guidance Resolution, p. 15.

Class A deficiencies consist of "...aspects of the WMP are lacking or flawed."

Class B are cases where the utility has "...insufficient detail or justification provided in WMP."

Class C deficiencies are "...gaps in baseline or historical data, as required in 2020 WMP Guidelines."

¹⁷ *Motion of Debtors Pursuant To 11 U.S.C. §§ 105 (A) and 363(B) and Fed. R. Bankr. P. Rule 9019 for Entry Of An Order Approving (I) Agreement and Settlement with People of the State of California and (Ii) Granting Related Relief In re PG&E Motion of Debtors Pursuant To 11 U.S.C. §§ 105 (A) and 363(B) and Fed. R. Bankr. P. Rule No. 19-30088 (DM) (Bankr. N.D. Cal. March 23, 2020)*, p. 5-6, and Exhibit A, pp. 1, 3-4.

¹⁸ *Joint Motion of Pacific Gas and Electric Company (U 39 E), the Safety and Enforcement Division of the California Public Utilities Commission, Coalition of California Utility Employees, and the Office of the Safety Advocate for Approval of Settlement Agreement Public Version*, filed in I.19-06-015, December 17, 2019, p. 13.

¹⁹ The total number of deficiencies, listed in Appendix A of the draft resolutions for each of the electrical corporations whose plans were only conditionally approved, were as follows: PG&E-29, SCE-22, SDG&E-16, Bear Valley Electrical Services -15, PacifiCorp -7, Liberty Utilities -4.

propose improvements to its current capabilities in vegetation management and inspections,²⁰ SDG&E's failure to provide detailed guidelines for implementing a 25-foot post-trim clearance,²¹ and Liberty Utilities failure to provide sufficient information about data governance.²²

WSD should develop a schedule in the Draft Guidance Resolution that requires the six electrical corporations, whose plans were deficient, to submit comprehensive WMPs in 2021 or 2022. Utilities with greater numbers and severity of deficiencies should be prioritized first. In future years, when those utilities have gained experience both in preparing plans that address all the issues and managing the risk of wildfires caused by their facilities, annual updates may be reasonable; but, given the extensive deficiencies found in six of the 2020 WMPs, allowing all six electrical corporations with deficiencies to provide updates in 2021 is premature.

B. The Draft Guidance Resolution Should Clarify That WSD Will Accept and Review Comments on The Remedial Compliance Plans (RCP) and Quarterly Reports Required by the Draft Guidance Resolution.

The Draft Guidance Resolution requires that electrical corporations with Class A deficiencies must submit RCPs within 45 days of the Commission's approval of the Draft Guidance Resolution.²³ The Draft Guidance Resolution requires that electrical corporations submit quarterly reports that provide missing data and the status of their progress toward resolving Class B deficiencies that are identified by WSD.²⁴ Consistent with Public Utilities Code (PU Code) Section 8386(d), which requires WSD to accept comments from the public on WMPs, the Draft Guidance Resolution should clarify that WSD will accept comments on the RCPs and quarterly reports. Such a clarification ensures compliance with the statutory requirement and supports the development of WMPs that are of the most benefit in reducing the risk of wildfires.

C. The Draft Resolutions Should Be Revised to Use the Term "Just And Reasonable" In Place Of "Legitimacy" For Review Of WMP Costs.

Each of the draft resolutions reviewing the WMPs of the six electrical corporations state that the proposed outcome of the resolution "does not approve costs attributable to WMPs, as statute requires electrical corporations to seek and prove the legitimacy of all expenditures at a future time in their General Rate Cases (GRC)."²⁵ The term "legitimacy," which is not found in statute, is vague, lacks any clear meaning in a regulatory context, and is at odds with the underlying statute. For example, in using "legitimacy" in reference to WMP costs, an electric corporation could justify any spending, even unnecessary spending, as legitimate, as long as it is properly recorded in the wildfire memorandum account.

²⁰ Draft Resolution WSD-004, p. 37.

²¹ Draft Resolution WSD-005, p. 45.

²² Draft Resolution WSD-007, p. 8.

²³ Draft Guidance Resolution, Ordering Paragraph 7, p. 35.

²⁴ Draft Guidance Resolution, p. 16; Finding of Fact 10, p. 33.

²⁵ Draft Resolution WSD-003, p. 2; Draft Resolution WSD-004, p. 2; Draft Resolution WSD-005, p. 2; Draft Resolution WSD-006, p. iii; Draft Resolution WSD-007, p. ii; Draft Resolution WSD-008, p. 2; Draft Resolution WSD-009, p. 2.

The Draft Resolutions should be revised to use the term “just and reasonable” in place of “legitimacy.” PU Code Section 8386.4 states that “the commission shall consider whether the cost of implementing each electrical corporation’s plan is just and reasonable in its general rate case application.”²⁶ The term “just and reasonable” is consistent with Section 8386.4 and with PU Code Section 451, which requires that all utility rates be “just and reasonable.”²⁷ The use of the term “legitimate” may create the impression of a lower standard of review and will likely lead to protracted litigation.

D. The Definitions of The Different Types of Performance Metrics Should Be Clarified and Defined in Standard Terms.

The draft resolutions provide definitions for different types of performance metrics, including “progress metrics,” “outcome metrics,” and “program targets.”²⁸ The draft resolutions’ definitions of these terms are not sufficiently distinct. The draft resolutions provide the following definitions:

Progress metrics is defined as tracking:

...how much electrical corporation wildfire mitigation activity has managed to change the conditions of electrical corporation wildfire risk exposure in terms of drivers of ignition probability.

Outcome metrics is defined as measuring:

...the performance of an electrical corporation and its service territory in terms of both leading and lagging indicators of wildfire risk, PSPS risk, and other direct and indirect consequences of wildfire and PSPS, including the potential unintended consequences of wildfire mitigation work.

Program targets is defined as measuring:

... tracking of proposed wildfire mitigation activities against the scope and pace of those activities as laid out in the WMPs, but do not track the efficacy of those activities.

Both progress metrics and outcome metrics incorporate some concept of risk. However, it is unclear how risk is used or defined in either of these definitions or how that risk assessment may differ.

Furthermore, these definitions lack clarity. For example, the definition of “outcome metrics” combines the concepts of outcome and risk. Risk is the probability of an outcome occurring; risk is not itself an outcome.²⁹

Instead of using the terms “progress metrics,” “outcome metrics,” and “program targets,” the Public Advocates Office recommends the adoption of standard terms to describe these types of metrics:

²⁶ Public Utilities Code Section 8386.4(b)(1).

²⁷ Public Utilities Code Section 451.

²⁸ Draft Guidance Resolution, p. 12.

²⁹ Ranganathan, Priya et al. “Common pitfalls in statistical analysis: Odds versus risk.” *Perspectives in clinical research* vol. 6, 4 (2015), 222-224. doi:10.4103/2229-3485.167092.

- Inputs are the resources that are used (for example, money or hours of labor).³⁰
- Outputs are the activities performed (for example, the number of trees trimmed).³¹
- Outcomes are the consequences (for example, the number of wildfires).³²
- Risk is a forward-looking estimate of expected outcomes (the probability of the event occurring multiplied by the consequence of the event).³³
- A target is a desired goal to be achieved on any metric (whether it is an input, output, outcome, or risk metric).³⁴

E. The WSD Should Link Deficiencies Identified in The Electrical Corporation Draft Resolutions to The Associated Conditions Addressed in The Guidance Resolution.

The electrical corporation-specific draft resolutions identify several deficiencies that are common among the electrical corporations' WMPs and state that these deficiencies and their associated conditions are addressed in the Draft Guidance Resolution. The Public Advocates Office recommends that each resolution addressing an electrical corporation's WMP include a reference to each corresponding condition addressed in the Guidance Resolution. For example, Draft Resolution WSD-004 identifies deficiencies in SCE's risk assessment and mapping, but only states that this deficiency is addressed in the Draft Guidance Resolution.³⁵ Draft Resolution WSD-004 should include a specific reference to Condition Guidance 1, which is the corresponding condition in the Guidance Resolution.³⁶ For transparency and clarity, it is important that there be a clear linkage between the identified deficiencies and the conditions that will remediate these deficiencies.

F. There Should Be Four-Month Intervals Between Submission of The Off-Ramp Reports.

The Public Advocates Office recommends that WSD shorten the intervals between submission of the Off-Ramp Reports from six to four months. The Draft Guidance Resolution requires the six electrical corporations to submit two "Report on Possible Off Ramps" (Off-Ramp Reports)

³⁰ <https://impact-evaluation.net/2013/06/10/difference-between-inputs-activities-outputs-outcomes-and-impact/>.

³¹ <https://impact-evaluation.net/2013/06/10/difference-between-inputs-activities-outputs-outcomes-and-impact/>.

³² <https://impact-evaluation.net/2013/06/10/difference-between-inputs-activities-outputs-outcomes-and-impact/>.

³³ Ranganathan, Priya et al. "Common pitfalls in statistical analysis: Odds versus risk." Perspectives in clinical research vol. 6, 4 (2015), 222-224. doi:10.4103/2229-3485.167092.

³⁴ <https://kpi.org/KPI-Basics/KPI-Development>.

³⁵ Draft Resolution WSD-004, p. 25.

³⁶ Draft Guidance Resolution, p. A1.

describing any mitigation measures that are not working or require modification.³⁷ The first report is to be submitted in December 2020, no later than six months after the effective date of the Resolution, and the second report in June 2021, no later than 12 months after the effective date of the Draft Resolution.³⁸ However, the due date for the second Off-Ramp Report converges with the end of the 2021 WMP process, making the reporting of progress on mitigation measures moot in some cases. Instead, the intervals between submission of the reports should be shortened to four months. With a four-month interval, the first Off-Ramp Report would be submitted in October, and the second report would be included in the utilities' 2021 WMP submission in February.

G. The WSD Should Clarify the Description of The Maturity Model in The Draft Resolutions.

The draft resolutions discuss the WSD's maturity model scoring and the meaning of the scores.³⁹ However, the draft resolutions characterize the results of the maturity model in an unclear manner. For example, the Draft Guidance Resolution states, "each electrical corporation's maturity model results should be viewed as levels or thresholds – they are not absolute scores."⁴⁰ The term "absolute score" is undefined and, therefore, confusing.

The draft resolutions should be revised to clearly and precisely characterize the meaning of the maturity model scores. The draft resolutions should specify that the five categories of the maturity model are defined as five stepwise categories, and that the model does not provide a higher level of specificity between categories.

H. PG&E Data Normalization Is Not in Compliance with The WMP Guidelines and Should Be Corrected.

PG&E's data submission is not in compliance with the WMP Guidelines and not comparable to data submitted by the other utilities. The WMP Guidelines⁴¹ establish a normalization protocol and require that utilities add a "normalized"⁴² line below certain reported table data to enable a like-for-like comparison between utilities. The normalization protocol calls for utilities to normalize data that is likely to vary year-to-year based on fire-weather conditions. The protocol calls for reported metrics to be divided by Red Flag Warning (RFW) days per circuit mile multiplied by the number of days the RFW is in effect.⁴³

³⁷ Draft Guidance Resolution, p. 28.

³⁸ Draft Resolution WSD-002, p. 28.

³⁹ Draft Resolution WSD-002, p. 8.

⁴⁰ Draft Resolution WSD-002, p. 10. See also, *e.g.*, SDG&E Action Statement, p. 4, and Draft Resolution WSD-005, pp. 2 and 44.

⁴¹ WMP Guidelines, pp. 4-5.

⁴² As described in the WMP Guidelines, pp. 4-5, data is normalized by dividing the reported data metric by Red Flag Warning circuit mile days--defined as the number of circuit miles that were under a Red Flag Warning day multiplied by the number of days those miles were under said Red Flag Warning.

⁴³ Draft Resolution WSD-003 at p. 17 acknowledges the intent of the protocol when it states that "the intent of this normalizing metric is to account for varying fire weather conditions, both temporally and spatially, and the extent to which those conditions occur in areas where there is existing overhead electrical lines and equipment,

PG&E refuses to follow the reporting protocol and contends that Red Flag Warning days should be normalized by total *overhead* circuit miles within HFTD Tier 2 and Tier 3 areas only.⁴⁴ PG&E explains that the overhead system “represents a far greater fire risk in comparison to the underground system,” and HFTD Tier 2 and 3 areas “represent the greatest wildfire risk.”⁴⁵ In addition, PG&E converts total Red Flag Warning hours into 24-hour time periods to more precisely determine Red Flag Warning days, instead of relying on gross Red Flag Warning days. PG&E reports normalized data based on its own methodology.⁴⁶

PG&E did not adhere to the WMP data normalization methodology, making its submission not comparable to data submitted by the other utilities. Therefore, PG&E’s method is not in compliance with WMP Guidelines and PG&E should be directed to correct the submission within 45 days.

I. Deficiency PGE-2 Text Correction from Places to Instances.

In the draft resolution addressing PG&E’s WMP, WSD-003, WSD Deficiency (PGE-2, Class B), Equipment failure and associated Condition (PGE-2, Class B) states:⁴⁷

- iii. Address whether its prior maintenance history is causing higher rates of equipment failure now, and PG&E shall include in this report all places where a court or other decision making body found fault with PG&E’s historical equipment maintenance, either with regard to individual assets or its maintenance policies as a whole. (Emphasis added.)

The word “places” is imprecise and could be interpreted as relating to locations or venues. As it appears that “places” was intended to read “instances,” condition PGE-2, Class B(iii) should be corrected.

J. The Commission Should Require SDG&E to Provide Detailed Guidelines for Implementing A 25-Foot Post-Trim Clearance As Required By D.19-05-039.

Draft Resolution WSD-005 should be modified as follows.

1. WSD-005 improperly attempts to modify D.19-05-039.

In D.19-05-039, the Commission declined to approve SDG&E’s proposal to implement a 25-foot post trim clearance. The Commission stated that:⁴⁸

In SDG&E’s next WMP, it shall propose, in detail, guidelines for where a 25-foot post-trim clearance for vegetation management is both feasible and necessary. If SDG&E plans to create a 25-foot clearance during this

using a common metric of RFWs. However, additional study and refinement are necessary, as it seems there are inconsistencies in how filers calculated this value.”

⁴⁴ PG&E’s 2020 WMP, pp. 2-10.

⁴⁵ PG&E’s 2020 WMP, pp. 2-10.

⁴⁶ PG&E’s 2020 WMP, Table 2.

⁴⁷ Draft Resolution WSD-003, p. 21.

⁴⁸ D.19-05-039, p. 10.

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.

However, SDG&E does not provide the required guidelines or evidence supporting its clearance proposal in its 2020 WMP. Draft Resolution WSD-005 states that:⁴⁹

SDG&E does not detail proposed guidelines for 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.

Despite SDG&E's lack of detail, Draft Resolution WSD-005 approves SDG&E's 2020 vegetation management plan on the condition that SDG&E "coordinate with other electrical corporations to conduct a study detailing the effect of increased vegetation clearances on outage and ignition probabilities" and provide the findings of this study as a part of its 2021 WMP filing.⁵⁰

WSD acknowledges that SDG&E has not met the requirements of D.19-05-039, but neither identifies any authority that would allow it to circumvent a Commission decision nor orders a remedy to this deficiency. Instead WSD purports to extend the requirements of D.19-05-039 another year and requests a similar level of justification from SDG&E in the 2021 WMP filing.

Draft Resolution WSD-005 disregards the requirement established in D.19-05-039 that SDG&E provide certain additional information prior to implementing an increased post-trim clearance. Furthermore, Draft Resolution WSD-005 does not set forth any reason for not adhering to D.19-05-039. Indeed, the WSD all but admits that its deviation from the requirements of D.19-05-039 is arbitrary and capricious. The WSD acknowledges that SDG&E has not provided adequate justification for going beyond the General Order No. 95 requirement for 12-foot post-trim clearances, and states that "without the ability to understand or even observe an incremental benefit of this increased clearance, it will be difficult to determine the effectiveness of this measure."⁵¹

Draft Resolution WSD-005 approves SDG&E's proposed change to its post-trim clearance even though SDG&E has failed to meet the Commission's directive in D.19-05-039.⁵² The WSD properly states that SDG&E has not provided evidence that an increased post-trim clearance will decrease wildfire risk.⁵³ WSD cannot ignore the Commission's decisions and therefore cannot approve this part of SDG&E plan. Nor should the Commission ratify a WSD outcome that is in violation of a Commission decision. Therefore, Draft Resolution WSD-005 should be modified to reject SDG&E's proposed 25-foot post-trim clearances and SDG&E must be directed by the WSD to identify why it failed to comply with a Commission directive.

⁴⁹ Draft Resolution WSD-005, p. 45.

⁵⁰ Draft Resolution WSD-005, Appendix A, p. A-9.

⁵¹ Draft Resolution WSD-005, p. 35.

⁵² Draft Resolution WSD-005, p. 45.

⁵³ Draft Resolution WSD-005, p. 35.

2. Draft Resolution WSD-005 Incorrectly Classifies Deficiency SDG&E-13 as a Class C Deficiency.

Deficiency SDG&E-13 does not meet the criteria WSD has set for Class C deficiencies, and Resolution WSD-005 errs in classifying it as such.

A Class C deficiency consists of “gaps in baseline or historical data as required in 2020 WMP guidelines.”⁵⁴ SDG&E’s failure to make the showing required by D.19-05-039 is much more substantial than a gap in “baseline or historical data.”⁵⁵ As Draft Resolution WSD-005 acknowledges, “SDG&E does not detail proposed guidelines... or scientific evidence or other data showing that such clearance will reduce wildfire risk.”⁵⁶ Because SDG&E failed to provide the information required by D.19-05-039, aspects of its WMP are lacking or flawed, which is by WSD’s definition a Class A deficiency. The Draft Resolution should be modified to change SDG&E’s failure to justify the proposed 25-foot post-trim clearance from a Class C to a Class A deficiency.

K. The Commission Should Not Authorize SDG&E’s Proposed Whole-Home Generator Program.

Draft Resolution WSD-005 errs by approving SDG&E’s proposed whole-home generator program,⁵⁷ despite the fact that the program is not authorized by statute and is unlikely to meet the “just and reasonable”⁵⁸ standard to be eligible for cost recovery. WSD does not address the program in Draft Resolution WSD-005, but does state that “to the extent we do not impose conditions on elements of the WMP, that element is approved.”⁵⁹ The WSD should not approve, even tacitly, a program which is neither authorized nor unlikely to meet the standards for cost recovery.

In comments on SDG&E’s 2020 WMP filing, the Public Advocates Office raised concerns about SDG&E’s proposed whole-home generator program.⁶⁰ SDG&E has not adequately justified the program and cites the incorrect statutory basis for the program.

SDG&E’s new assertion that the program is authorized by PU Code Section 8386(a) is unfounded.⁶¹ In the relevant part, PU Code Section 8386(a) “directs each electrical corporation to construct, maintain, and operate its electrical lines and equipment in a manner that will minimize the risk of catastrophic wildfires posed by those electrical lines and equipment.”⁶² However, Section 8386(a)

⁵⁴ Draft Resolution WSD-005, p. 4.

⁵⁵ Draft Resolution WSD-005, p. 4.

⁵⁶ Draft Resolution WSD-005, Appendix A, p. A-9.

⁵⁷ WSD does not address the whole-home generator program, but states that to the extent we do not impose conditions on elements of the WMP, that element is approved.” Draft Resolution WSD-005, p. 1.

⁵⁸ Public Utilities Code Section 451.

⁵⁹ Draft Resolution WSD-005, p. 1.

⁶⁰ Public Advocates Office Comments on 2020 Wildfire Mitigation Plans, April 7, 2020, pp. 20-22.

⁶¹ SDG&E Reply Comments on the 2020 Wildfire Mitigation Plans, p. 27.

⁶² SDG&E Reply Comments on the 2020 Wildfire Mitigation Plans, p. 27.

refers to the utility building and maintaining “*its* electrical lines and equipment [emphasis added].”⁶³ In contrast, the equipment contemplated by SDG&E for the whole-home generator program would be owned and maintained by the customer. This equipment cannot be considered “the utility’s electrical lines and equipment.” Section 8386(a) specifically only applies to equipment owned by the electrical corporation. It does not authorize the utility to build and maintain equipment owned by customers.

SDG&E’s citation to Section 8386(a) is incorrect, and as stated in the Public Advocates Office’s Comments on the WMP,⁶⁴ the program does not meet the standards set out in PU Code Section 8386(c)(6)(C) because that statute specifically applies to customers “receiving a medical baseline allowance.”⁶⁵ SDG&E has not identified that the customers that would receive the whole home generator are medical baseline customers. Accordingly, Draft Resolution WSD-005 should be modified to specifically exclude the whole-home generator program as proposed by SDG&E.

L. The WSD Should Require Liberty Utilities (Liberty) To Include Data Governance Issue Updates In Its Quarterly Reports.

Draft Resolution WSD-007 for Liberty Utilities⁶⁶ contains orders that are not consistent with its findings. Draft Resolution WSD-007 states that:

Liberty’s data governance program is in the very early stages of development. As noted by the Public Advocates Office, Liberty’s GIS data and asset inventory database requires improvement prior to the 2021 WMP filing. Liberty should confer with the California Department of Forestry and Fire Protection (CAL FIRE) and the WSD to fill in gaps in its GIS data in preparation for its 2021 WMP update.⁶⁷

However, the Draft Resolution WSD-007 does not recognize this issue as a deficiency or require any follow-up action by Liberty.⁶⁸

Also, when the Public Advocates Office previously raised this same concern,⁶⁹ it also proposed a remedy – requiring quarterly progress reports.⁷⁰ Though Liberty did not oppose this requirement,⁷¹ the Draft Resolution WSD-007 fails to consider or even acknowledge the remedy.

The Public Advocates Office further recommends that the WSD classify the data governance issues as a Class B deficiency. Within Liberty’s 2020 WMP, there is insufficient detail provided on its asset

⁶³ Public Utilities Code Section 8386(a).

⁶⁴ Public Advocates Office Comments on 2020 Wildfire Mitigation Plans, April 7, 2020, p. 22.

⁶⁵ Public Utilities Code Section 8386(c)(6)(C).

⁶⁶ Draft Resolution WSD-007.

⁶⁷ Draft Resolution WSD-007, pp. 8.

⁶⁸ Draft Resolution WSD-007, see Appendices.

⁶⁹ Public Advocates Office Comments on 2020 Wildfire Mitigation Plans, April 7, 2020, pp. 38-39.

⁷⁰ Public Advocates Office Comments on 2020 Wildfire Mitigation Plans, April 7, 2020, p. 39.

⁷¹ Reply Comments of Liberty Utilities (CalPeco Electric) LLC, April 16, 2020, p. 1.

inventory system. Identifying data governance as a Class B deficiency would require Liberty to update the WSD on the progress of its upgrades in its Quarterly Reports. Liberty should provide quarterly updates until Liberty's system-wide survey, asset inventory database, and upgrades to its GIS system have modernized and the database has been verified and approved by the WSD.

III. CONCLUSION

The Public Advocates Office respectfully requests that the Commission adopt the recommendations contained herein.

Respectfully submitted,

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Service List of R.18-10-007