



February 17, 2022

California Wildfire Safety Advisory Board
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RE: Comments of the Joint Associations on the Draft Guidance Advisory Opinion for the 2022 Wildfire Mitigation Plans of Publicly Owned Electric Utilities and Electrical Cooperatives

Dear Chair Block and Board Members,

The California Municipal Utilities Association (CMUA), Golden State Power Cooperative (GSPC), Northern California Power Agency (NCPA), and Southern California Public Power Authority (SCPPA) (collectively the “Joint Associations”) respectfully submit these comments to the California Wildfire Safety Advisory Board (WSAB) on the *Draft Guidance Advisory Opinion for the 2022 Wildfire Mitigation Plans of Publicly Owned Electric Utilities and Electrical Cooperatives* (Draft Guidance Advisory Opinion), issued on February 10, 2022.

I. INTRODUCTION

California’s publicly owned electric utilities (POUs) and electric cooperatives (Cooperatives) greatly appreciate the WSAB staff and board members in providing recommendations for the POU and Cooperatives wildfire mitigation plans (WMPs). We recognize that the WSAB brings a broad range of industry, academic, and workforce experience to the WMP process. We thank the members of the WSAB for offering their valuable time and expertise for the benefit of the people of the state of California.

Assembly Bill (AB) 1054 directs utilities to “construct, maintain, and operate its electrical lines and equipment in a manner that will minimize the risk of wildfire posed by those electrical lines and equipment.”¹ As the Draft Guidance Advisory Opinion points out, there are many other elements inherent in addressing fires of any type, as well as developing means to mitigate the impacts and potential damage resulting from wildfires. The POUs and Cooperatives agree with this observation, and to that end greatly appreciate the thoughtful insights that each Board member’s unique perspective and expertise provides. The Draft Guidance Advisory Opinion provides a forum for sharing of best practices in wildfire mitigation strategies. Sharing of information and expertise across all the POUs and

¹ Cal. Pub. Util. Code § 8387(a).

Cooperatives is especially important given the broad range of POU and Cooperatives systems and risk factors.

The POUs and Cooperatives recognize that wildfire planning and response cover a broad range of matters that go beyond system hardening and vegetation management. Elements such as construction and safety standards for utility infrastructure, for example, are not specific to wildfire mitigation planning, but rather are part of the utility's overall system management practices. As more fully addressed herein, it is important to recognize that not all of the elements discussed in the Draft Guidance Advisory Opinion are appropriately addressed in the context of the utilities' WMPs. POUs and Cooperatives have a strong record of safely operating their systems within the communities they serve and are accountable to their customers and owners within those communities. As the Draft Guidance Advisory Opinion observes, there are many differences between the various POUs and Cooperatives. For example, not all utilities in this group are municipalities with jurisdiction to control land use policies, building code standards, and other elements that have an effect on wildfire threats and ensuing damage. It is important that each utility's WMP focuses on the practices that they can reasonably control and over which they have authority in order to "construct, maintain, and operate its electrical lines and equipment in a manner that will minimize the risk of wildfire posed by those electrical lines and equipment." These plans will necessarily be limited by instances where the utilities do not have control, such as 1) vegetation and fuel loading outside of utility rights-of-way, 2) state and federal land management practices, or 3) building and home design and construction standards.

POUs and Cooperatives play an important role in wildfire mitigation through ensuring the safe operation of their systems, consistent with state laws, regulatory and industry standards. Overall, wildfire mitigation, prevention, and response, takes a whole of government approach. POUs and Cooperatives, and utilities in general, cannot be, and should not be, responsible for broader wildfire efforts, such as those related to home hardening or preventing the spread of wildfires not caused by electrical equipment. Resolving those issues is in the general purview of the Legislature and Governor, who have been very active towards that end. Primarily, state spending on wildfire has grown substantially in recent years, including funding for wildfire resilience. For example, last year the state budget provided \$988 million for 20 different wildfire programs managed by 18 different departments. The Legislature has also been active in crafting new statewide laws that govern wildfire mitigation. For example, in 2019 the Legislature enacted AB 38 (Wood), which among other things, required the Office of Emergency Services and CalFire to administer the Wildfire Mitigation Program to provide financial assistance to create fire-resistant homes and structures. The 2021-22 budget provided \$25 million for the program and the Governor is proposing another \$25 million this year. Last year, the Legislature enacted AB 9 (Wood) to establish a deputy director of Community Wildfire Preparedness and Mitigation at CalFire who is "responsible for fire preparedness and mitigation missions of the Department of Forestry and Fire Protection." It also created the Regional Forest and Fire Capacity Program "to support regional leadership to build local and regional capacity and develop, prioritize, and implement strategies and projects that create fire adapted communities and landscapes by improving ecosystem health, community wildfire preparedness, and fire resilience." It also established a Community Wildfire

Mitigation Assistance Program that will further identify home hardening programs to minimize impacts from wildfires. CalFire also administers the Fire Prevention Grant program, which provides funds for projects – like fuels reduction and fuel breaks – in and near fire threatened communities. Reducing the incidents of wildfires in California provide innumerable health and quality of life benefits, and cross all sectors of the state’s economy. Despite these statewide benefits, the costs of programs and measures that must be employed to reduce the risk of wildfires are currently borne primarily by utility ratepayers. The POU and Cooperatives believe that the skills and expertise of the board members make the WSAB uniquely qualified to advocate before the legislature for non-ratepayer funding for investments in wildfire-prevention technologies that would provide statewide benefits by lowering wildfire risk across all utilities.

II. COMMENTS ON THE DRAFT GUIDANCE ADVISORY OPINION

A. POU and Cooperatives Responses to the WSAB’s Guidance Advisory Opinion Will Vary Due to WMP Development Schedules and Governing Board Procedures.

The POU and Cooperatives appreciate the WSAB insights and recommendations, and will be evaluating those recommendations, and where appropriate, incorporating them into an upcoming WMP. However, due to each utility’s internal timelines and processes, the timing for addressing the WSAB recommendations will vary. Each POU has a different process for developing its WMP, getting feedback from its community, and presenting its WMP to its governing board. Some POU require extensive lead time to finalize their WMPs, and thus are already far along in their WMP development process. Additionally, some POU have already submitted their WMPs. Therefore, there will be a varying degree to which POU are able to be responsive to the requests in the 2022 Guidance Advisory Opinion. As noted in the draft, most POU will be performing comprehensive revisions to their plans in 2023, and as such, responses to WSAB recommendations may more appropriately be addressed in the 2023 WMPs.

B. The WMP is Not the Appropriate Document for Planning Communications During a Wildfire Emergency.

The Draft Guidance Advisory Opinion seeks information about how the POU and Cooperatives (as electric utilities) will communicate with customers during a wildfire emergency. This is both outside the scope of the WMP, as well as prohibited by emergency management personnel. As public agencies, POU and cooperatives closely coordinate with local, regional, and state agencies during all emergencies, including wildfires. However, in their capacity as electric utilities, POU and Cooperatives do not and should not take the lead in communicating to the public during an active wildfire. Indeed, POU and Cooperatives, particularly those that are not municipalities, have no authority in this area, nor do they have the expertise. These communications are coordinated through the Standardized Emergency Management System (SEMS) structure, which is governed by state law and extensively coordinated at the state and local level. Some of the POU and Cooperatives have had to deal directly with this issue during the last year. Utilities were advised that the local Sheriff’s office was to be the sole communicator of whether evacuation is necessary and related matters. Communications

by the utility that are outside of this structure could be counterproductive because those communications may not reflect the most up-to-date information and guidance from the agencies leading that emergency response effort. The WMPs should not focus on or address these types of communications, and instead, electric utilities should continue to work within the existing emergency response structures and programs already in place. Emergency communications should be left to the emergency responders and safety agencies and departments with the knowledge, training, expertise, and resources to deploy such emergency communications, and not to the utilities.

C. The WMP is Not the Appropriate Document for General Reliability Planning of the POU's.

POUs have independent obligations to meet certain resource adequacy standards based on different scenarios. While the loss of a generation asset or transmission line due to a wildfire can impact a POU's ability to serve its customers, that planning function is fundamentally separate from the purpose and subject matter of these WMPs. A POU will often not play any role in the maintenance and mitigation measures that affect those assets, and instead, the POU's obligation is to appropriately plan for those scenarios, not to try to reduce the underlying likelihood of the event. Further, this type of resource planning is outside the role of the WSAB and its area of expertise. WMPs should focus on the mitigation measures that POU's can take for their own assets, in their own service territories.

D. The OEIS List of Independent Evaluators Was Not Created for POU's and POU's Are Not Limited to OEIS List.

Public Utilities Code Section 8387 gives POU's and Cooperatives the full discretion to select the appropriate Independent Evaluator (IE) for evaluating the their WMPs, and POU's and Cooperatives are not required to use the OEIS-approved list of IEs. Further, the scope and function of the investor-owned utility (IOU) IEs is fundamentally different from the role of the IE for POU's and Cooperatives. For the IOUs, the IEs are charged with assessing the IOU's compliance with its own plan,² serving more of an audit function. In contrast, POU and Cooperative IEs are tasked with evaluating the "comprehensiveness" of the POU's or the Cooperative's plan.³ This scope suggests that an expert evaluation of the plan elements meets this statutory requirement and that an in-the-field detailed audit is not required. Given the role of the POU and Cooperative IEs, local fire agencies are an appropriate entity to provide this service because of their clear experience in evaluating local fire risks and fire behavior. A local fire agency also has a vested interest in assisting the utility with wildfire mitigation planning in order to better protect the community from fires.

Additionally, the OEIS list is very limited and if POU's and Cooperatives were to rely on these entities, it could be logistically challenging for the POU's, Cooperatives, and IOUs to complete the reviews in a timely manner. Furthermore, there is no definitive statutory requirement for the WMPs to be submitted

² Cal. Pub. Util. Code § 8386.3(c)(2)(B)(i).

³ Cal. Pub. Util. Code § 8387(c).

to an independent evaluator each year. Having an IE assess the WMP each year, especially when there are minimal changes to the underlying WMP affecting compliance with the statutory requirements, is time consuming, costly, and adds little value. Indeed, small, non-profit utilities would prefer consumer funds be spent on progress toward implementing actual mitigation strategies, instead of on annual IE consultant reports.

E. Providing Battery Backup Generation is not Specifically a WMP-Issue.

Power outages may occur for a variety of reasons, and not just from wildfire impacts. Electricity customers that have specific electricity needs can and have coordinated with their utility and/or have installed their own battery backup generation. Where a POU or the Cooperative has not adopted PSPS protocols and has no near-term plans to order any such PSPS events, battery backup generation for customers is not related to the scope of a POU's or the Cooperative's WMP and should not be considered a requirement element of a WMP.

F. Transparency Must be Balanced with Clarity.

The POU's and Cooperatives agree that their customers and the public should have full visibility into the current WMP. It is important, however, to balance this transparency with the potential for confusion or misinformation. Maintaining all WMPs on front-facing page of the utility's website may cause confusion as to the currently effective WMP. The POU's and Cooperatives believe that superseded versions of WMPs should not be easily accessible on websites. For purposes of meeting the WSAB's interest in seeing the differences from WMP to WMP, the POU's and Cooperatives could provide a brief summary or redlined version indicating the differences in each new WMP. And while the past WMPs could be provided to interested persons upon request, it is important that the utility's website only prominently display the currently effective version of the plan.

G. Climatology and Fire Science.

The utilities are not experts in climatology and fire science, and while they are able to use existing information and respond to climate change induced conditions, smaller utilities simply do not have the resources to employ technical experts in all of these areas. Instead, the POU's and Cooperatives would welcome information and input from specific subject matter experts, like the Board members, in this area. This may also be an area ideally suited to a webinar for the utilities to hear from industry experts.

III. CONCLUSION

The Joint Associations appreciate the opportunity to provide these comments to the WSAB on the Draft Guidance Advisory Opinion and thank the WSAB for its consideration of these comments. We recognize that this is a new process and look forward to working collaboratively with the WSAB as we refine our WMPs.