



**The Protect Our Communities Foundation**  
**4452 Park Boulevard #309**  
**San Diego, California 92116**

December 18, 2020

California Public Utilities Commission  
Attn: Caroline Thomas Jacobs, Director  
Wildfire Safety Division  
505 Van Ness Ave., 4<sup>th</sup> Floor  
San Francisco, CA 94102

*Sent Via Email (wildfiresafetydivision@cpuc.ca.gov)*

Re: The Protect Our Communities Foundation's Comments on Wildfire Safety Division  
Draft Safety Culture Assessments

Dear Director Jacobs:

The Protect Our Communities Foundation (PCF) provides these comments on the Wildfire Safety Division's Draft Safety Culture Assessment Requirements (Draft SCA). The Draft SCA explains it was "built upon the safety culture framework adopted by the Commission on November 19, 2020 in Resolution WSD-011,"<sup>1</sup> which constituted the Commission's effort to comply with section 8389(d)(4).<sup>2</sup>

While PCF appreciates that the Draft SCA proposes to "strive for coordination, including learnings and processes, between the WSD's Safety Culture Assessment and the Commission's broader safety culture assessment required of by Public Utilities Code §8386.2, such that the assessments of safety culture in a wildfire context and safety culture overall may be complementary and mutually informative,"<sup>3</sup> PCF remains concerned that unnecessary ratepayer expense will result.

Section 8386.2 requires an independent safety culture assessment which ratepayers may not be required to pay for.<sup>4</sup> PCF submits that the Draft SCA should be revised to recognize the Section 8386.2 assessment as controlling instead of proposing that the two assessments should be "mutually informative."

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<sup>1</sup> Draft SCA, p. 3.

<sup>2</sup> Resolution WSD-011, Attachment 4, p. 4; Pub. Util. Code, § 8389, subd. (d)(4).

<sup>3</sup> Draft SCA, p. 3.

<sup>4</sup> Pub. Util. Code, § 8386.2 ("The commission shall require a safety culture assessment of each electrical corporation to be conducted by an independent third-party evaluator. The commission shall set the schedule for each assessment, including updates to the assessment at least every five years. The electrical corporation shall not seek reimbursement for the costs of the assessment from ratepayers.").

Additionally, while the distinction the Draft SCA draws between matters “specific to wildfire safety” and safety in general makes sense in the abstract, PCF submits that as a practical matter the distinction will be much harder to recognize. The Commission’s S-MAP and RAMP requirements provide an example of the practical interrelationship between the utilities’ safety practices in the wildfire context and in general. PG&E’s San Bruno gas pipeline explosion constituted the genesis of the proceeding which eventually resulted in the Commission’s S-MAP and RAMP requirements, directives which the Commission extended beyond the gas pipeline safety context, and which SB 901 incorporated into the wildfire mitigation statutes applicable only to the electrical corporations.<sup>5</sup>

While PCF commends the Draft SCA’s commitment to anonymity in responding to surveys,<sup>6</sup> PCF remains concerned about the inherently self-serving nature of corporate self-assessments. PCF cannot emphasize enough that the most revealing indicator of safety culture in the wildfire safety context and the safety context more generally remains a utilities’ compliance or non-compliance with the Commission’s safety-related directives and with the legal mandates imposed upon the utilities by the California Legislature. Continued non-compliance with the Commission’s S-MAP and RAMP directives reveals more about a utilities’ safety priorities and lack thereof than any corporate self-report.<sup>7</sup>

PCF recommends that the Draft SCA be revised to include as a key component of a SCA whether a utility has demonstrated compliance with all existing statutory mandates and with the Commission’s wildfire-related directives. This would necessarily include requiring a utility to demonstrate that it has prepared a RAMP report that has been found to be consistent with the Commission’s already-existing risk-based decision-making framework.

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<sup>5</sup> Pub. Util. Code, § 8386, subd. (c)(11)-(12); D.14-12-025, p. 2 (citing to SB 705).

<sup>6</sup> Draft SCA, p. 12.

<sup>7</sup> This year, for the second year in a row, the Commission determined that the utilities’ WMPs fail to assess and analyze risk properly; and the Commission made express findings which establish that SDG&E failed to comply with the Commission’s direct orders contained in D.19-05-039. Resolution WSD-002, p. 19-30, Appendix A, p. A1 (“2020 WMP submissions contain sparse and sporadic detail regarding the RSE of WMP initiatives. RSE calculations are critical for determining whether utilities are effectively allocating resources to initiatives that provide the greatest risk reduction benefits per dollar spent, thus ensuring responsible use of ratepayer funds. Although RSE concepts have been considered for several years through Commission GRCs, utilities still display unrefined and limited abilities to produce such information. Considering that utilities propose to spend billions of dollars on WMP initiatives, not having quantifiable information on how those initiatives reduce utility ignition risk relative to their cost severely limits the WSD’s ability to evaluate the efficacy of such initiatives and each utility’s portfolio of initiatives, as outlined in 2020 WMPs.”); Appendix A, p. A1-A3, A5-A10; Resolution WSD-005, p. 11-12 (SDG&E’s WMP “does not adequately address how SDG&E factors its modeling into decision-making, and whether and how it updates its models based on lessons learned. ... SDG&E’s WMP does not adequately address the details of its resource allocation process. In particular, the WMP lacks details regarding whether and how specific mitigations or initiatives reduce the need to resort to a PSPS event.”); *see also* Resolution WSD-005, p. 23-25, 33, 37-38, 43-44, 46, 49.

WSD should revise the Draft SCA to reduce reliance on safety assessments not funded by utility shareholders, to make clear that the utilities continue to bear the burden of proof to establish their compliance with the Commission's orders and statutory mandates, and to elevate compliance with all Commission-ordered and statutory safety requirements as a leading indicator of a utility's safety culture.

Sincerely,

/s/ Malinda Dickenson

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