BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF CALIFORNIA

Order Instituting Rulemaking to Implement Electric Utility Wildfire Mitigation Plans Pursuant to Senate Bill 901 (2018).	Rulemaking 18-10-007 (Filed October 25, 2018)

ACTON TOWN COUNCIL REPLY COMMENTS ON THE 2021 WILDFIRE MITIGATION PLAN UPDATES FILED BY THE LARGE INVESTOR OWNED UTILITIES

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The Acton Town Council respectfully offers the following comments in reply to initial comments submitted by stakeholders pertaining to the Large Investor Owned Utility's (IOU's) 2021 Wildfire Mitigation Plan Update. For simplicity, the Acton Town Council has grouped our reply comments by individual stakeholder sections.

1.0 THE MUSSEY GRADE ROAD ALLIANCE ("THE ALLIANCE") INITIAL COMMENTS

The Acton Town Council appreciates the Alliance's analysis that refutes the premise established by SCE's and PGE's 2021 WMP Update that there is no substantive causal link between power line ignitions and wind speed (page 14-32) and we are particularly concerned with the broader implications of such a premise. For instance, it contradicts the fundamental principal upon which the Commission has authorized IOUs to initiate Public Safety Power Shutoff ("PSPS") events. Specifically, PSPS events can only be initiated when there is "an imminent and significant risk" that ***strong*** winds will topple power lines onto tinder dry vegetation or cause vegetation-related impacts [Resolution ESRB-8 page 4]. Resolution ESRB-8 was developed based on nearly two decades of Commission decisions and stakeholder input and it clearly establishes the causal link between power line ignition risk and wind speed, thus it is entirely untoward for any IOU's Wildfire Mitigation Plan to question this causal link or claim that it is not substantive.

Another reason the Acton Town Council objects to the premise that there is no substantive causal link between power line ignitions and wind speed is because it opens the door to allow utilities to initiate PSPS events at any time and for any reason (including to mask equipment deficiencies or poor vegetation management practices). An example of this is the "Black Swan" scenario described in the PSPS protocols identified in PGE's 2021 WMP; in the "Black Swan" scenario, PGE shuts off power to customers for whatever reason PGE considers appropriate *including low wind speed conditions that pose no risk of toppling power lines or cause vegetation related impacts*. In other words, PGE's "Black Swan" scenario is explicitly contrary to adopted PSPS Guidelines and ESRB-8. According to PGE, the "Black Swan" scenario was developed in response to the devastating Kincade Fire which was ignited by PGE transmission facilities; however, the information made available to the public indicates that the Kincade fire was actually sparked by a broken jumper on PGE transmission facilities that were supposed to have been decommissioned but were not. Equipment deficiencies such as these will always be improperly masked if the Commission approves WMPs with PSPS protocols that incorporate de-energization scenarios which are not linked to high wind speed events (such as PGE's "Black Swan" scenario). NOTE: The Acton Town Council is not saying that a utility should not de-energize equipment under low wind speed conditions if the equipment poses a significant wildfire risk; clearly, facilities such as the transmission equipment which sparked the Kincade fire should be de-energized regardless of wind speed because of the public safety risk that such equipment poses. However, utilities should not be permitted to initiate low wind speed power shutoffs under the guise of PSPS and thereby shroud equipment deficiencies under a veil of respectability. Instead, IOUs should be required to report low wind speed power shut off events outside of the PSPS process and thereby held directly accountable for their equipment deficiencies and, by extension, the public safety risks that they pose.

PGE is not the only utility that has PSPS protocols which improperly mask equipment deficiencies and do not comply with ESRB-8; as the Acton Town Council's initial comments point out, SCE's PSPS protocols call for power shut offs for numerous reasons that have nothing to do with high wind speeds (see pages 6-8 of our initial comments submitted March 18, 2021). In fact, SCE openly admits that equipment deficiencies drive its PSPS decisions; the primary reason SCE cuts power on the "Shovel" circuit in Acton is

because SCE is concerned that distribution equipment in Acton will experience mechanical failure at windspeeds of only 25 miles per hour (see attachment A of the Acton Town Council's supplemental comments submitted March 29, 2021).

As we have previously shown, nearly every aspect of the PSPS protocols included in SCE's and PGE's 2021 WMP Update are contrary to ESRB-8 (see the Acton Town Council's initial comments submitted March 18, 2021); therefore, SCE's and PGE's PSPS Protocols are unacceptable. It is for this reason that the Acton Town Council urges the Commission to 1) reject PGE's and SCE's supposition that power line ignitions are not substantively linked to windspeed; and 2) direct the IOUs to revise their 2021 WMP Updates to ensure that the PSPS Protocols set forth therein comport with the restrictions imposed by ESRB-8 which limit the use of PSPS to only those circumstances in which strong winds pose an imminent and significant risk of toppling power lines or causing vegetation related impacts. If the Commission does not take these steps to ensure that the IOUs' WMPs comply with adopted PSPS Guidelines and ESRB-8 requirements, then the Commission will improperly legitimize these unlawful PSPS Protocols and wrongly confer a "Safety Certification" to all future de-energization PSPS events *including low wind speed events that are explicitly contrary to adopted PSPS Guidelines and ESRB-8 restrictions.*

2.0 WILLIAM ABRAMS INITIAL COMMENTS

The Acton Town Council is in complete agreement with Mr. Abrams' suggestion that IOUs be required to include in their WMPs a discussion of each and every instance in which their equipment or their actions or their decisions caused a wildfire or contributed in any way to wildfire spread either directly or indirectly[1]. This analysis must be retroactive to at least 2019 and it must include a "lessons learned" component that clearly informs all the activities and plans that are set forth in the WMP. So, for instance, SCE's WMP be revised to dissect the circumstances surrounding numerous wildfires, including Tick, Silverado, Maria, Easy, Saddleridge, Bobcat, Star, Tenaja, Oak, and Mureau.

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[1] The Public Advocates Office also observes that the WMPs fail to address recent catastrophic fires and that WMPs should address the root cause of these fires and identify steps that will be taken to prevent such circumstances in the future (see pages 61-62 of PAO Comments submitted March 29, 2020). The Acton Town Council agrees.

The Acton Town Council is also in complete agreement with Mr. Abram's observations regarding the "Black Swan" scenario that PGE has included in the PSPS Protocols incorporated in PGE's 2021 WMP Update. Mr. Abrams points out that the term "Black Swan" is used by PGE to "explain away" all kinds of failures across their territory, including the Kincade Fire and the Zogg Fire (see pages 6-7). Mr. Abrams argues that such events should be discussed in detail in the IOU WMPs; the Acton Town Council agrees because understanding such wildfire events is critical to achieving a broadly applicable and robust Wildfire Mitigation Plan. However, we will go further than Mr. Abrams and point out that PGE's "Black Swan" scenario does not just allow PGE to explain away equipment failures; it also allows PGE to improperly disguise equipment failures in a veneer of reasonableness because PGE incorrectly identifies the "Black Swan" scenario as a PSPS event that is presumably authorized pursuant to Pub. Util. Code §399.2(a) and §451. Nothing could be further from the truth. "Black Swan" events have no place in any PSPS Protocol because they do not address situations where "strong winds" pose an imminent and significant threat of toppling power lines or causing vegetation related impacts; rather, they address substandard equipment and inadequate vegetation management practices and are thus inconsistent with the power shutoff authority that is granted to utilities by §399.2(a) and §451. That is why the Acton Town Council urges the Commission to direct PGE to strip out the "Black Swan" scenario from its PSPS Protocols and separately identify de-energization events resulting from substandard equipment and poor vegetation management practices for what they are: unreasonable power shutoffs that are inconsistent with §399.2(a) and §451 but nonetheless necessary to protect public safety. This will permit the Commission and stakeholders to easily distinguish between de-energization events that constitute legitimate PSPS activities which are consistent with §399.2(a) and §451 and arguably qualify for liability exemptions under Electric Tariff Rules from those which are not consistent with §399.2(a) and §451 and do not qualify for Electric Tariff Rule liability exemptions.

The Acton Town Council points out that PGE is not the only IOU that seeks to abuse the privileges granted under §399.2(a) and §451 by improperly disguising low wind de-energization activities motivated by equipment deficiencies as legitimate PSPS events. For instance, between January 14 and January 21, SCE cut power on nearly 50 distribution

circuits based on low wind speed thresholds that did not pose an "imminent and significant" threat of toppling power equipment or causing vegetation related impacts[2]. Indeed, SCE openly admits that it de-energizes circuits out of concern that equipment on the circuit will experience mechanical failure at very low windspeeds (25 mph sustained)[3]. SCE has persistently and wrongly designated these low wind speed de-energization activities as "PSPS events" even though they did not involve "strong winds" that threatened to toppling power lines or cause vegetation related impacts. On several occasions, the Acton Town Council has publicly unmasked SCE's attempts to improperly conceal equipment deficiencies by initiating low wind speed de-energization activities and then calling them "PSPS events"; however, no action has ever been taken, and SCE has never been held accountable. In fact, the Commission has still not conducted any "Reasonableness Reviews" of any PSPS events initiated by any IOU since September 1, 2019[4]; this has allowed utilities to act with impunity to inflict frequent, lengthy, and entirely unwarranted PSPS events with devastating effects on customers. These practices must not be perpetuated; the PSPS Protocols that the Commission approves with the 2021 WMP Updates must draw a "bright line" distinction between power shutoffs that are initiated because of equipment deficiencies and poor vegetation management practices and legitimate PSPS events that are initiated because "strong winds" threated to topple power lines or cause "vegetation related impacts".

3.0 SANTA CLARA COUNTY INITIAL COMMENTS

Santa Clara County ("SCC") expresses substantial concern regarding PGE's statements that “significant outstanding uncertainty about the scope of PSPS in 2021” and that PGE projects a “significant potential” expansion of PSPS events as a result of Conditions of Probation in the proceeding United State of America v. Pacific Gas and

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[2] See pages 1-4 of the Acton Town Council's Supplemental Initial Comments on the 2021 WMP Updates submitted March 29, 2020.

[3] See Attachment A of the Acton Town Council's Supplemental Initial Comments on the 2021 WMP Updates submitted March 29, 2020.

[4] According to Public Record Act responses received by the Acton Town Council from the Commission on March 22 and April 2, 2021, the Commission has no record of any "Reasonableness Review" reports regarding any PSPS events conducted between September 1, 2020 and February 4, 2021. See PRA #21-133 and PRA #21-176.

Electric Co., Case No. 14-cr-00175-WHA (N.D. Cal.) which would require PGE to incorporate information regarding hazard trees into its de-energization models (pages 5-6). The Acton Town Council agrees with SCC that this is a substantial concern. We further point out that a de-energization activity initiated because of the presence of "hazardous trees" or other vegetation does not automatically qualify as a legitimate PSPS event; de-energization activities that are initiated to prevent vegetation related wildfire ignitions, while necessary for public safety, do not warrant the PSPS designation if the vegetation should have been removed but it was not (which is potentially the circumstance surrounding the Zogg fire[5]). Situations in which a utility de-energizes a power line because "vegetation related impacts" could occur should be clearly identified by the utility and fully described so that the Commission and stakeholders can address whether such de-energization activities are "unreasonable" because they result from poor vegetation management practices or "reasonable" and therefore qualify as a legitimate PSPS event.

4.0 THE UTILITY REFORM NETWORK INITIAL COMMENTS

The Acton Town Council appreciates the initial comments offered by The Utility Reform Network ("TURN") addressing SCE's extensive use of covered conductor to mitigate wildfire risks, and we agree with TURN's recommendation that SCE should "specifically address how covered conductor will impact the likelihood of a PSPS event" (page 54). However, the Acton Town Council generally supports SCE's deployment of covered conductor in High Fire Hazard Areas despite TURN's contention that "Successful wildfire mitigation requires the utility to pursue a suite of mitigations" and TURN's argument that SCE should consider different mitigation measures such as sectionalization and PSPS along any particular circuit because "Different parts of a circuit mile may face different risks" (page 53). The Acton Town Council believes that TURN's recommendation (that SCE apply multiple mitigations to each circuit) must be tempered by the fact that, unlike SDGE and PGE, many of SCE's distribution circuits in high fire hazard areas are linearly configured,

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[5] The Zogg fire was ignited because PGE equipment came in contact with a tree; however, two years before the Zogg fire, trees in the vicinity of the ignition point were identified for removal by PGE but were never removed [https://www.courthousenews.com/pge-may-have-failed-to-remove-tree-suspected-of-sparking-zogg-fire/).

which means that SCE customers in these areas are served by a single source on a single power line that may stretch 10 miles or more. Therefore, mitigations measures like sectionalization are not effective on these SCE circuits other than at "branch" connections (such as the Red Rover Road "branch" on SCE's "Pick" Circuit in Acton). Moreover, the Community of Acton is already overburdened by too many of SCE's PSPS events so we do not consider TURN's recommendation that SCE consider initiating more PSPS events rather than installing more covered conductor as something that is applicable to our community.

5.0 CONCLUSION

The Acton Town Council appreciates the opportunity to provide these reply comments and we respectfully request that the above recommendations be factored into the Commission's review of the Large IOU 2021 WMP Updates.

Respectfully submitted,

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