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California Wildfire Safety Advisory Board
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**Re: Northern California Power Agency Comments on Wildfire Safety Advisory Board
Draft Guidance Advisory Opinion**

Dear Chair Block and Board Members,

The Northern California Power Agency (NCPA)¹ appreciates the opportunity to provide these comments on the Wildfire Safety Advisory Board's (WSAB or Board) *Draft Guidance Advisory Opinion for the 2023 Wildfire Mitigation Plans of Electric Publicly Owned Utilities and Rural Electric Cooperatives* (Draft Opinion).

NCPA is a member of the California Municipal Utilities Association (CMUA), and endorses and supports the CMUA comments. In these comments, NCPA offers higher-level feedback on the Draft Opinion and contextual information regarding NCPA's ongoing efforts to minimize – to the greatest extent possible – the risk of wildfire posed by electrical lines and equipment, and insight into the expertise of the POUs developing and executing the Wildfire Mitigation Plans (WMPs). NCPA, a joint powers agency, submits these comments on behalf of itself, and on behalf of its member publicly owned utilities (POUs) and electric cooperatives.

NCPA and its member agencies take pride in the safe maintenance and operation of their electrical facilities, including taking steps necessary to mitigate the potential for utility-ignited wildfires. Consistent with the requirements of Public Utilities Code section 8387, the utilities prepare a wildfire mitigation plan that is presented to their local governing boards for approval after a public process. It is this plan that NCPA and its members then submit to the

¹ NCPA is a not-for-profit California joint powers agency whose members include the Cities of Alameda, Biggs, Gridley, Healdsburg, Lodi, Lompoc, Palo Alto, Redding, Roseville, Santa Clara, Shasta Lake, and Ukiah, Plumas-Sierra Rural Electric Cooperative, Port of Oakland, San Francisco Bay Area Rapid Transit (BART), and Truckee Donner Public Utility District, and who collectively serve nearly 700,000 electric consumers in Central and Northern California.

Board. NCPA appreciates the Board's expertise reflected in the Draft Opinion, and will be closely reviewing the various recommendations on how to mitigate wildfire risk.

Success of Existing Plans and Ongoing Efforts: NCPA and its member agencies take very seriously their responsibility to prepare and execute their WMPs. While there is always room for improvement and more work to be done, NCPA urges the Board to acknowledge the actions the POUs and cooperatives have taken to date in implementing their wildfire mitigation strategies, as reflected in their existing plans. The fact that plans may not vary much from year-to-year should not be viewed as an indication that each utility's plan was not carefully reviewed or updated where appropriate. It may be that revisions and updates were simply not necessary. In fact, elements of the WMPs that do not need to be updated or revised very likely reflect the success of the particular actions. It is clear that the Board wants to see changes where they are warranted, and NCPA agrees that highlighting a summary of such changes can be a useful tool. However, that information will not convey the full story.

NCPA strongly cautions again an approach that reviews the annual WMPs only in the context of assessing any changes to the plan. For example, in the entity-specific section comment on NCPA's WMP, the Draft Opinion states that the "*WSAB appreciates NCPA's well-written and complete WMP, which clearly and logically lays out NCPA's wildfire risks and extensive program efforts to reduce those risks, as in last year's WMP.*"² Despite this, the Draft Opinion goes on to state that "*WSAB notes, however, that there could have been more changes from the 2021 WMP in this 2022 update.*"³ It is not clear what the Board is looking for when it seeks "more changes," and in the absence of specific examples of areas where the Board believes substantive changes were warranted, NCPA is unable to provide a meaningful response. If the annual review – and even the comprehensive revision – do not determine that changes to the existing WMP are warranted, then the POU should not be compelled to "change up" their plans, just for the sake of making "more changes." Simply put, if during the course of a year the environmental factors have not changed, nor the utility's facilities, a "change up" is not necessary.

It is also important to note that while comprehensive in nature, the WMPs are not the sole indicator of utility efforts in the area of wildfire mitigation and strategy. This includes outreach and collaboration with federal and state agencies, at the regional and national level. For example, through active participation in the Electricity Subsector Coordinating Council (ESCC),⁴ Wildfire Working Group, NCPA works closely with utilities across the nation to address wildfire risk mitigation. Recently, the ESCC met with the U.S. Forest Service Land Management to coordinate efforts to deal with the ongoing and devastating fires and the threats that those fires pose to communities and electric infrastructure. Discussion items included consolidating

² Draft Guidance Advisory Opinion, Appendix 3, p. A3-40.

³ *Id.*

⁴ The ESCC serves as the principal liaison between the federal government and the electric power industry on efforts to prepare for, and respond to, national-level disasters or threats to critical infrastructure.

master use permits to facilitate fuels and vegetation management; coordination on legislative action to allow utilities to remove danger trees/standing timber and felled trees from federal land to reduce risk and eliminate fuel loading; and greater west-wide coordination and consistency in land management across multiple states and forests.

NCPA provides this as but one example of the actions POUs and cooperatives undertake in this area. POUs regularly collaborate internally and externally with other utilities and industry experts. These collaborations are often part of larger work involving electric infrastructure specifically or capital improvement plans generally, and as part of those larger efforts, we engage in matters that improve our wildfire mitigation. It would be impossible to place in one annual report all of the activity utilities staff engage in throughout the course of a year that informs our thinking on wildfire mitigation. These efforts are not specific to actions delineated in POU WMPs, as they are not specific to mitigating wildfires caused by utility infrastructure. They are, however, indicative of the myriad actions that POUs undertake as part of their utility operations and management.

The WSAB and Local Governing Boards: NCPA appreciates that the *Draft Opinion highlights the Board's advisory role*, and recognizes that only the governing boards and councils of the POUs can direct actions.⁵ There is concern, however, that this distinction is not reflected in all areas of the Draft Opinion. The POUs and electric cooperatives have provided detailed feedback to the Board on past recommendations that read as directions, and are outside of the statutory requirements for the WMPs. Some of these recommendations are even specific to wildfire mitigation generally and not to electric-line ignited wildfires, the specific cause of wildfires the WMPs are meant to capture. In some instances, those same recommendations are reflected in the Draft Opinion, albeit with the caveat that the request is specific to wildfire. Such a clarification, however, does not allow for the fact that the WMP is specific to utility-caused wildfires, which is one part of a utility's total planning and operations. By design, the WMP sets forth only the utility's actions for assessing and addressing risks of electrical lines and equipment igniting wildfires. Resource procurement, planning, operations, and even fire prevention and suppression more broadly, are independent of the WMP. For instance, the Draft Opinion continues to seek information specific to emergency management systems and coordination with water agencies and telecommunications providers, yet, this information is part of the POU's overall operations and outage protocols, and not specific to the WMP.

Even after providing the Board with information about these distinctions, the POUs and cooperatives have attempted to provide additional information to the Board, as requested. Unfortunately, it appears now that there may be an expectation to make this "extra" information that was voluntarily provided a compulsory part of the WMPs. In some instances, NCPA does not believe that is appropriate. For example, the Draft Opinion notes that the Board "*looks forward to hearing back from [utility sub working group] efforts and seeing the results in*

⁵ Draft Guidance Advisory Opinion, p. 4.

*the comprehensive revision 2023 WMPs.*⁶ It is important to note that the sub-working groups were just that – working groups – organized to foster discussion and collaboration. POUs and cooperatives must be able to maintain intentional deliberations for thorough discussion and contemplation of the various subjects. It would not be appropriate in all instances to have a specific “report back” in the WMPs as a result of those discussions.

Standardized Template: NCPA urges the Board to *look beyond a standardized template for the POU WMPs.*⁷ The proposed WMP Template for 2023 Comprehensive WMP Revisions can serve as a valuable tool for some POUs. To the extent that a POU already employs a successful WMP format that works for their utility, the standardized template may not be appropriate and would only serve to lessen the efficacy of the report. NCPA appreciates the Board’s recognition in this regard. The efforts towards standardizing a format for the POU submissions focused on the ease of review fails to recognize the fundamental role of the WMP and the unique role that it plays as a *part* of a utility’s overall operations. For context, it is worth noting that the first POU template was developed to facilitate the initial development of WMPs, and as those plans mature specific to each utility, they are likely to be less standardized as each utility continues to customize their WMP to their specific operations. Now that each POU and cooperative have done so, utility staff and stakeholders both are familiar with the content and format, and making formatting changes may result in a more burdensome preparation and review process for utility staff.

Role of the Independent Evaluator: As the Draft Opinion notes, Public Utilities Code section 8387(c) requires the POU to have an independent evaluator “*review and assess the comprehensiveness of its wildfire mitigation plan.*”⁸ After than initial evaluation, an annual independent evaluation of a POU’s WMP is not only not required, but is wholly unnecessary. Furthermore, the value of an independent evaluation is based on the extent to which the required elements of the WMP have changed year-over-year. For low-wildfire-liability POUs, the Draft Opinion proposed that an additional independent evaluation is not necessary unless the utility’s wildfire circumstances change;⁹ NCPA believes that the same rationale applies to all POUs. The independent evaluation can be a costly and extensive undertaking for a POU, one that requires budget approvals, legal and purchasing involvement, contract management, and more. It is not clear to what extent a second such evaluation will bring value to an updated WMP. Once the independent evaluation has been completed, and the assessment has demonstrated the comprehensiveness of the plan, the POU is not required to have another assessment done. If the POU’s comprehensive revision finds areas that are to be significantly changed, then it may be appropriate for another independent evaluation, but that determination would be at the sole discretion of the POU or cooperative.

⁶ Draft Guidance Advisory Opinion, p. 10.

⁷ Draft Guidance Advisory Opinion, Appendix 1.

⁸ Draft Guidance Advisory Opinion, p. 16; Appendix A, p. A1-13-A14.

⁹ Draft Guidance Advisory Opinion, p. 9.

Wildfire spread and workforce training: The Draft Opinion suggests that the WMPs address issues such as wildfire spread, and also report on workforce training in areas beyond those related to the WMP itself.¹⁰ Wildfire spread generally, and workforce training are not directly related to the WMP and is outside of its scope. In particular, utility workforces can be quite diverse, with staff that have various levels of training prior to joining a POU or cooperative. Detailing the training for workforce across the utility can be burdensome to include in the WMP. To be clear, NCPA shares the Board's objective of ensuring that utility personnel receive the training and resources needed to safely complete their jobs, just question the efficacy and relevance of having all such training documented in the WMP.

Backup Generation: The objective of the WMP is to lay out the utility's plan relevant to avoiding *utility-caused wildfires*. Outages may occur for myriad reasons, including wildfires caused by other than utility infrastructure. Discussion of minimizing outage impacts of any kind – including outages caused by wildfires – is outside the scope of the WMP. While the Draft Opinion clarifies that this information is requested "solely in the wildfire context," a POU or cooperative's backup power sources are not going to be specific to wildfire-related outages. Added, the WSAB appears to be seeking information on backup power resources, at least in part, because "new storage technologies make such mitigation more viable financially and environmentally." However, the cost effectiveness of backup power sources, and the extent to which such resources could be deployed by a utility to address outages, would be a part of the utility's overall integrated planning. Further, as it pertains to customer's use of backup power, POUs do not necessarily have insight into customer-owned resources.

Wildfire Mitigation Plans and Reporting Based on Threat Level. NCPA welcomes the opportunity to work closely with the WSAB on an approach for streamlining WMP requirements for POUs and cooperatives with no overhead assets within or abutting high wildfire threat areas. It is important, however, that nothing in this dialogue be seen as assigning any specific "risk" level to a utility, either by including them within a certain category, or by way of exclusion. NCPA agrees that there is little or no value to having an independent evaluation of these POU plans on an annual basis. Clearly, a costly independent evaluation of a plan that has already been reviewed and found to include all of the necessary elements would be a needless tax on utility resources.¹¹ Utilities with assets that have a low likelihood of igniting wildfires, however, are still subject to all of the same statutory requirements as utilities in or abutting high wildfire threat areas, and absent a change in the law, there are no elements of section 8387(b)(2) that can be lawfully omitted.

Conclusion

NCPA appreciates being afforded the opportunity to provide this information to the Board on the Draft Opinion. Collaboration between the POUs and the WSAB will only lead to

¹⁰ Draft Guidance Advisory Opinion, *see generally* p. 11-12; Appendix 1, p. A1-1 and p. A1-10.

¹¹ As discussed herein, the same rationale applies to all of the POU and cooperative WMPs.

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better outcome for the entire state in advancing plans that truly mitigate the potential for utility-ignited wildfires by leveraging the local knowledge and expertise of the POUs with the Board members' expertise in their various fields. NCPA looks forward to ongoing dialogue and encourage the Board to reach out to the undersigned to discuss any of the issues raised in these comments.

Respectfully submitted,



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