



**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE
STATE OF CALIFORNIA**

FILED

10/13/22

04:59 PM

H2207009

In the matter of:

Southern California Edison Company's
Execution of 2020 Public Safety Power
Shutoff Events

H. 22-07-009

**JOINT MOTION OF THE SAFETY AND ENFORCEMENT DIVISION AND
SOUTHERN CALIFORNIA EDISON COMPANY (U 338-E) FOR APPROVAL OF
SETTLEMENT AGREEMENT**

JENNIFER SHIGEKAWA
ANNA VALDBERG
ELENA KILBERG

Attorneys for
SOUTHERN CALIFORNIA EDISON COMPANY

2244 Walnut Grove Avenue
Post Office Box 800
Rosemead, California 91770
Telephone: (626) 483-2733
E-mail: Elena.kilberg@sce.com

Dated: **October 13, 2022**

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE
STATE OF CALIFORNIA**

In the matter of:

Southern California Edison Company's
Execution of 2020 Public Safety Power
Shutoff Events

H. 22-07-009

**JOINT MOTION OF THE SAFETY AND ENFORCEMENT DIVISION AND
SOUTHERN CALIFORNIA EDISON COMPANY (U 338-E) FOR APPROVAL OF
SETTLEMENT AGREEMENT**

I.

INTRODUCTION

The Safety and Enforcement Division (SED) of the California Public Utilities Commission (CPUC or the Commission) and Southern California Edison Company (SCE) (together, the Settling Parties) jointly submit this motion for approval of their settlement agreement (Settlement Agreement), which is appended to this motion as Attachment A.¹ The Settlement Agreement resolves all issues related to SCE's 2020 Public Safety Power Shutoff (PSPS) events, including those raised by SED in the proposed Administrative Enforcement Order (Proposed AEO) and those raised by SCE in its Request for a Hearing on the AEO.

In summary, and as described in more detail below, to settle SED's allegations of noncompliance from its 2020 Public Safety Power Shutoff (PSPS) compliance review, the Settlement Agreement stipulates to SCE's payment of \$7 million, allocated and distributed as set forth below, and other actions to be taken by SCE:

¹ Pursuant to Rule 1.8(d), counsel for SCE confirms that SED has authorized SCE to file this motion on its behalf.

- \$0.5 million: Fine to the General Fund of the State of California
- \$0.5 million: Non-recoverable Contribution to SCE's Energy Assistance Fund
- \$6 million: Permanent Disallowances of PSPS program-related costs
- Corrective Actions Proposed in the AEO
- Motion to Withdraw Request for a Hearing

The Settlement Agreement is consistent with the Commission's policy favoring settlements and negotiated resolution of issues. By reaching a settlement, the Settling Parties were able to resolve all issues between them, without burdening the assigned Administrative Law Judge or Commission Staff with further litigation. As such, the Settlement Agreement promotes judicial economy and efficiency. It is reasonable in light of the whole record, consistent with law and the Commission Enforcement Policy, and in the public interest. The Settlement Agreement is also equitable, and the Settling Parties considered mitigating circumstances, potential evidentiary issues and the relative strengths and weaknesses of SED's rationale and basis for the Proposed AEO penalty amount. Accordingly, the Settling Parties respectfully request that the Commission approve the Settlement Agreement in its entirety and without modification.

II.

PROCEDURAL AND REGULATORY BACKGROUND

A. Procedural Background

This appeal was initiated by the filing of SCE's Request for a Hearing on July 15, 2022, H.22-07-009. SCE's Request for a Hearing was in response to the Proposed AEO issued by SED on June 15, 2022, relating to SCE's execution of 2020 PSPS events.

B. Background Information Relevant to PSPS

SCE, as an Investor-Owned Utility (IOU), has the authority to shut off the electric power to protect public safety. Utilities initiate PSPS events during severe wildfire threat conditions as

a mitigation measure of last resort to prevent significant wildfires associated with utility infrastructure. Such proactive de-energizations reduce the risk of a utility's infrastructure contributing to a wildfire.

While helping avert wildfires, a PSPS event can be disruptive and leave communities and critical facilities and infrastructure without power, which brings its own risks and hardships, particularly for customers with Access and Functional Needs.

From 2018 through 2020, the Commission issued PSPS guidelines, namely, Resolution ESRB-8, Decision (D.) 19-05-042 and D.20-05-051 in proceeding Rulemaking (R.)18-12-005. Some of these guidelines pertained to notification of impacted public safety partners, critical facilities and infrastructure, and other customers before, during, and after a PSPS event.

In 2020, SCE initiated a total of 16 PSPS events and submitted post-event reports for these events to the Director of SED, with service to the parties to proceedings R.18-12-005 and R.18-10-007, and to public safety partners. Stakeholders provided comments on these post-event reports. SED performed reviews on the submitted reports, including consideration of stakeholder comments, to evaluate SCE's compliance with the Commission's PSPS guidelines under Resolution ESRB-8, D.19-05-042 and D.20-05-051 in SCE's execution of, and reporting on, the 2020 PSPS events.

On June 15, 2022, SED issued a Proposed AEO to SCE pursuant to the Commission Enforcement Policy adopted by Resolution M-4846. Attached to the Proposed AEO is a "2020 Public Safety Power Shutoff (PSPS) Post Event Report Review" (2020 Post Event Report Review) that summarizes SED's observations on SCE's 2020 PSPS compliance record.²

In the Proposed AEO, SED alleges that SCE did not comply with certain PSPS guidelines, as set forth by the Commission. SED recommends that SCE take fourteen corrective actions to address findings in the Proposed AEO. SED also recommends SCE pay a monetary

² The Proposed AEO and the 2020 Public Safety Power Shutoff (PSPS) Post Event Report Review Southern California Edison (SCE) are Attachment B to this Motion.

penalty of \$10 million due to SCE's failure to notify some customers during de-energization and re-energization.

On July 15, 2022, SCE submitted a Request for a Hearing on the Proposed AEO, disputing the basis for the penalty and certain allegations in the Proposed AEO and setting forth the grounds for requesting a hearing.

III.

SUMMARY OF POSITIONS AND SETTLEMENT

The Settlement Agreement represents a negotiated compromise between the Settling Parties to avoid the risks, burdens, and expense of further litigation. The Settling Parties agreed to the terms of the Settlement Agreement solely for purposes of arriving at the compromises set forth in the Settlement Agreement and, accordingly, the Settlement Agreement should not be considered precedent in any future proceeding.

A. Summary of Litigation Positions

1) Noncompliance with Notification Guidelines Alleged by SED

The Proposed AEO alleges that, with respect to the 2020 PSPS events, SCE violated certain guidelines set forth in Resolution ESRB-8, D.19-05-042, and D.20-05-051, including but not limited to guidelines pertaining to PSPS customer notifications and reporting thereof. The Proposed AEO would penalize SCE for alleged "failure to provide notifications during the de-energization event."

SED has proposed that: (1) for alleged failure to comply with the Commission's PSPS guidelines related to notifications during and after de-energization, SCE be subject to a \$10 million fine; and (2) SCE undertake fourteen corrective actions to improve its PSPS processes and compliance.

The Proposed AEO alleges that, in 2020, SCE did not consistently provide to all de-energized customers three types of PSPS customer notices, which the Proposed AEO characterizes as mandatory: (a) when de-energization is initiated, (b) before re-energization begins, and (c) once re-energization is completed.

SED contends that providing these three notice types is in the control of the utility because they are triggered by the utility's decisions to de-energize and to re-energize.

SED also contends that there was a lack of clarity in reporting of which notifications were sent out and which customers received them, and that this posed a harm to the regulatory process.

2) SCE's Response to the Proposed AEO Allegations

SCE's position is that, in evaluating the need for and size of any penalty, the Proposed AEO should take into account certain surrounding circumstances and mitigating factors. These include the dynamic nature of PSPS events, the infancy of the PSPS program in 2020 and SCE's focus on reducing the scope and duration of PSPS events. Additionally, the PSPS guidelines were still new and evolving in 2020 and, consequently, there was some confusion about which PSPS guidelines were considered mandatory and which were discretionary. Of note, there was no evidence of any physical or economic harm to customers attributable to the allegedly missed notifications. Moreover, SCE is implementing its 2021 PSPS Corrective Action Plan and other PSPS improvements to address some of the challenges experienced in 2020, which has resulted in significantly diminished PSPS customer impacts during the 2021 fire season, as compared to the previous two years. SCE had successfully completed all but one of the 132 corrective actions in the 2021 PSPS Corrective Action Plan by June 3, 2022. SCE also noted that in D.21-06-014, the Commission found that, in balancing the need for utilities to initiate PSPS events in response to evolving, dangerous conditions against the need to do so safely, it should not impose penalties for the IOUs' failure to fully comply in 2019 with customer

notification and other PSPS guidelines, and should instead “create ongoing incentives for utilities to improve their conduct. . . .”

B. Summary of Settlement Terms

To settle SED’s allegations of noncompliance from its 2020 PSPS compliance review and resolve all matters pertaining to the 2020 PSPS Events, and without admitting fault or conceding liability, SCE stipulates in the Settlement Agreement that it shall pay a total of \$7 million allocated and distributed as described therein (hereinafter, collectively the “AEO Amounts”), complete the corrective actions set forth in the Proposed AEO (“AEO Corrective Actions”), and take other actions as described therein:

1) Fine to the General Fund

SCE shareholders will pay \$0.5 million to the General Fund of the State of California. This amount will be paid within 30 days of the Commission Approval Date, as defined in Section IV of the Settlement Agreement.

2) Contribution to the Energy Assistance Fund

SCE shareholders will contribute \$0.5 million to the Energy Assistance Fund (EAF) to provide direct benefits to customers needing financial assistance in paying their electric bills. Through EAF, a maximum of \$100 of assistance is available once per 12 months to eligible CARE customers. SCE will not incur additional administrative costs in distributing additional funds to customers resulting from this settlement. The amount of \$0.5 million will be paid to the EAF within 30 days of the Commission Approval Date, as defined in Section IV of the Settlement Agreement.

3) Permanent Disallowances of PSPS Program-Related Costs

SCE will permanently waive its right to seek cost recovery for \$6 million of PSPS program-related costs focused on customer outreach, backup batteries, and

notification improvements that are eligible for tracking in the Wildfire Mitigation Plan Memorandum Account and/or the Fire Risk Mitigation Memorandum Account. Of the \$6 million in costs, \$2.5 million will be (or was) incurred in 2022 and \$3.5 million will be incurred in 2023. SCE shall explicitly demonstrate the aggregate \$6 million write-off in cost recovery applications covering reasonableness reviews for 2022-2023 recorded costs above the amounts authorized for wildfire mitigation activities for those years in SCE's 2021 General Rate Case (Commission Decision 21-08-036). Details of the allocation, timing, and specific PSPS programs and spending areas of the PSPS program-related costs are set forth in Appendix A to the Settlement Agreement. Those details may be modified upon agreement by SCE and SED at their mutual discretion provided that the total committed and spent funding equals \$6 million. In reaching settlement, the Settling Parties explicitly considered the issues, the AEO Amounts and the potential tax treatment applicable to these AEO Amounts. The Settling Parties expressly agree that the AEO Amounts are fair, just, and reasonable without any adjustment to account for any tax benefits or liabilities that may be realized by SCE or its shareholders.

4) **AEO Corrective Actions**

As reflected in the Settlement Agreement, SCE has performed 12 of the 14 AEO Corrective Actions, and nearly completed the remaining two Proposed AEO Corrective Actions as of the Settlement Agreement date, as set forth in Appendix B to SCE's Request for a Hearing in Response to the Proposed Administrative Enforcement Order, dated July 15, 2022. SCE will complete the remaining two AEO Corrective Actions set forth in the Proposed AEO (Nos. 4 and 6), and certify completion of all AEO Corrective Actions, by June 30, 2023. In addition, SCE will also provide SED with quarterly validation of compliance with this Settlement

Agreement for a period of two years after Commission Approval Date, as defined in Section IV of the Settlement Agreement.

5) **Motion to Withdraw Request for a Hearing**

SCE will file a Motion to Withdraw its Request for a Hearing in CPUC docket no. H.22-07-009, within 14 days of the Commission Approval Date, as defined in Section IV of the Settlement Agreement.

6) **Resolution of All Issues**

The Settling Parties agree that this Settlement Agreement fully resolves all issues with respect to SCE's execution of the 2020 PSPS events raised or that could have been raised in the Proposed AEO.

IV.

REQUEST FOR ADOPTION OF THE SETTLEMENT AGREEMENT

The Settlement Agreement is consistent with Commission decisions on settlements, which consistently cite the strong public policy favoring settlement of disputes if they are fair and reasonable in light of the record. This public policy supports many worthwhile goals, including reducing the expense of litigation, conserving scarce Commission resources, and allowing parties to reduce the risk that litigation may produce unacceptable results.³ As long as a settlement taken as a whole is reasonable in light of the record, consistent with the law, and in the public interest, it should be adopted without change.

The Settlement Agreement complies with Commission guidelines and relevant precedent for settlements. The general criteria for Commission approval of settlements are stated in Rule 12.1(d) as follows:

³ D.92-12-019, 46 CPUC 2d 538, 553.

The Commission will not approve stipulations or settlements, whether contested or uncontested, unless the stipulation or settlement is reasonable in light of the whole record, consistent with law, and in the public interest.

The Settlement Agreement meets the criteria for a settlement pursuant to Rule 12.1(d), as discussed below.

In addition, Resolution M-4846, issued in November 2020, adopted the Commission Enforcement and Penalty Policy (Enforcement Policy) and authorized Commission staff to issue a Proposed AEO, as well as to resolve an enforcement matter, subject to review and consideration by the Commission. The Enforcement Policy also indicates the following general considerations to be evaluated as part of any proposed settlement to be submitted for Commission review: 1. Equitable factors; 2. Mitigating circumstances; 3. Evidentiary issues; and 4. Other weaknesses in the enforcement action that the division reasonably believes may adversely affect the ability to obtain the calculated penalty. The Settlement Agreement also meets these Enforcement Policy criteria.

A. The Settlement Agreement Is Reasonable in Light of the Record

SCE's Request for a Hearing, dated July 15, 2022, provides the information necessary for the Commission to find the Settlement Agreement reasonable in light of the record as a whole. In addition, the Settling Parties only reached the settlement after several arm's length and good faith negotiations to understand each Party's position and potential allegations and defenses with respect to the Proposed AEO. The Settling Parties are knowledgeable and experienced regarding the issues in this matter and, after careful negotiation, have succeeded in achieving a settlement that they believe balances the various interests affected. As demonstrated in Section III, the Settlement Agreement is a reasonable resolution and represents compromises within the range of the Settling Parties' various positions.

Without divulging the content of confidential settlement negotiations, concessions by one Settling Party on some issues were offset by concessions by the other Settling Party on other

issues, as is the case with almost every settlement. The Settlement Agreement accordingly represents a series of tradeoffs and must be viewed as a “package.” No single provision should be viewed in isolation, although every individual provision is reasonable, lawful, and in the public interest. Absent reaching the settlement, the Settling Parties would have continued to litigate their issues through an evidentiary hearing process, with attendant expense, burden, and drain on finite Commission resources. For these reasons, and in light of the terms the Settling Parties negotiated as memorialized in the Settlement Agreement, the Settlement Agreement is reasonable in light of the whole record.

B. The Settlement Agreement Is Consistent with Law

The Settling Parties believe that the terms of the Settlement Agreement comply with all applicable statutes, rules, and prior Commission decisions, and reasonable interpretations thereof. In agreeing to the terms of the Settlement Agreement, the Settling Parties have explicitly considered the relevant statutes and Commission decisions and believe that the Commission can approve the Settlement Agreement without any conflict with applicable statutes, tariffs, or prior Commission decisions.

C. The Settlement Agreement is Consistent with the Penalty Assessment Methodology (PAM)

Resolution M-4846 specifies the factors to be considered when staff determine the amount of a penalty. While the Penalty Assessment Methodology (PAM) does not have mandatory application in this instance, the Settlement Agreement nevertheless comports with the PAM.

The Settlement Agreement adequately accounts for the PAM factors of: Severity or Gravity of Offense, Conduct of the Regulated Utility, and Financial Resources of the Regulated Entity, Including the Size of the Business, Totality of the Circumstances in Furtherance of the Public Interest, and Role of Precedent. In reaching the compromise set forth in the Settlement

Agreement, the Settling Parties considered additional potential allegations and defenses, including those described in Section III.A.1) and 2), above.

1. Severity or Gravity of Offense

The severity of the offense considers the physical and economic harms of the offenses, harm to the regulatory process, and the number of people affected by the offense. Here, the alleged violation is a failure to provide notifications during the de-energization event. There is no evidence that there was any physical or economic harm because of the lack of notification. The number of customers affected by the alleged violation is also not clear.

2. Conduct of the Regulated Utility

The Commission gave IOUs great discretion in several areas given the dynamic nature of these events and the infancy of the PSPS program in 2020. This is especially true of advance notifications prior to a de-energization event. While the Commission highlights the importance of advance notification prior to a PSPS, it also recognized situations where advance notice is impossible due to changing circumstances. Resolution ESRB-8 requires the IOU to notify customers “to the extent feasible and appropriate” (p. 4), recognizing that “it is not practicable to have an absolute requirement that electric IOUs provide advance notification to customer prior to a de-energization event.” (p. 5). D.19-05-042 expanded somewhat on advance notifications to customers but again acknowledged “there may be times when de-energization must occur with little to no notification in order to respond to an emergency situation, to avoid the risk of a utility-caused wildfire, or because de-energization occurs due to an unforeseen circumstance outside of the control of the utility.” (pp. 85-86). D.19-05-042 requires IOUs to provide advance notifications 48-72 hours in advance of an anticipated de-energization, 24-48 hours in advance, and 1-4 hours in advance “whenever possible”. (p. 86-87). It further recognizes that advanced notification 1-4 hours before an anticipated de-energization event “may not be possible at this juncture.” (p. 87, fn. 93).

SED alleges that: (1) The Commission does not extend deference to utilities in three instances of required notification to affected customers; when de-energization was initiated,

when re-energization begins, and once re-energization is completed; (2) These events are unambiguous in that they are triggered by an event completely in the control of the utility—the physical de-energization; and (3) These notifications are required by order of the Commission.

SED alleges that during the PSPS events in 2020, there were instances SCE did not send out notifications to affected customers when de-energization was initiated, immediately before re-energization began or when re-energization was complete. However, while some customers may not have received a notification during de-energization or re-energization, they may still have received an advance notification prior to shut-off. It does not appear that any customers went through an entire PSPS event with no notifications, in advance of the event or during.

3. Financial Resources of the Regulated Entity, Including the Size of the Business

The Commission must ensure against excessive fines or penalties while imposing an effective fine/penalty. An effective fine or penalty is one that reflects the severity of the harm (the first factor examined above) and is also proportionate to the offending entity and those similarly situated to deter future similar offense of violations, without putting them out of business or otherwise impacting the entity in a catastrophic way. SCE is one of the largest electric utilities in the state of California in terms of customers and revenue. The total settled penalty of \$7 million is enough to emphasize the importance of the notification requirements relative to its size.

4. Totality of the Circumstances in Furtherance of the Public Interest

The Commission must evaluate penalties in the totality of the circumstances, with an emphasis on protecting the public interest. As described above, a \$7 million penalty is reasonable under the circumstances. D.19-05-042 went into detail about the importance of notification requirements during a PSPS event (p. 35-37, 85-87). The Commission emphasized the balance that must be struck in communicating the risk of a PSPS without causing confusion or ambivalence. This fine represents the importance the Commission placed on the notification framework in D.19-05-042. While all customers may have received a notification of a de-

energization at some point, SCE should take a more structured approach to PSPS notifications to optimize public awareness.

5. Role of Precedent

The final factor in the PAM is an examination of fines in other Commission Decisions with similar factual situations. This and the concurrently-issued AEOs constitute the first use of an AEO process to enforce PSPS requirements since the Commission Decisions D.19-05-042 and D.20-05-051.⁴ The Settling Parties believe a \$7 million penalty in this instance is a reasonable compromise based on the positions discussed above.

D. The Settlement Agreement Is in the Public Interest

The Settlement Agreement represents a reasonable compromise of the Settling Parties' litigation positions. It resolves the issues in a prudent and economical manner, and provides appropriate, timely resolution of the disputed issues for the Settling Parties. Approval of the Settlement Agreement will allow stakeholders to avoid incurring the significant costs and burden that litigation necessarily entails. By settling their issues, the Settling Parties have helped to conserve Commission resources that would otherwise be expended to preside over continued litigation and reach a final decision in the contested matters.

E. The Settlement Agreement Considers Equitable Factors, Mitigating Circumstances, Evidentiary Issues and Ability to Obtain Proposed AEO Penalty

Resolution M-4846 authorized Commission staff to issue a Proposed AEO, as well as to resolve an enforcement matter, subject to review and consideration by the Commission.

The Settling Parties have engaged in good faith settlement negotiations and, consistent with

⁴ See Resolution M-4863 Adopting Administrative Enforcement Order of the Safety and Enforcement Division Issued to San Diego Gas & Electric Company Regarding 2020 Public Safety Power Shutoff Requirement Violations Pursuant to Resolution M-4846, issued October 7, 2022; Resolution M-4862 Adopting Administrative Enforcement Order of the Safety and Enforcement Division Issued to PacifiCorp Regarding 2020 Public Safety Power Shutoff Requirement Violations Pursuant to Resolution M-4846, issued October 7, 2022.

Resolution M-4846 and the Enforcement Policy, have memorialized their proposed settlement in the attached Settlement Agreement.

The Enforcement Policy provides that the following general considerations should be evaluated as part of any proposed settlement to be submitted for Commission review: 1. Equitable Factors; 2. Mitigating Circumstances; 3. Evidentiary Issues; and 4. Other Weaknesses in the Enforcement Action. The Parties explicitly considered these factors in their confidential settlement communications. Without waiving the confidentiality protections of Rule 12.6 of the Commission's Rules of Practice and Procedure, the Parties represent that they took into account, among other things, the substantial and continuing progress and improvements SCE has made in its execution of PSPS events since the 2020 timeframe. This includes the substantial completion of the 2021 PSPS Corrective Action Plan, as well as other improvements SCE has made both on its own initiative and at the Commission's direction. Through these efforts, SCE has made demonstrable progress in the areas of PSPS customer notifications and post-event reporting that are the focus of the Proposed AEO. The Settling Parties also considered the dynamic nature of PSPS events and the infancy of the PSPS program in 2020 when SCE was focused on reducing the scope and duration of PSPS events. The PSPS guidelines were still new and evolving in 2020 and there was a certain amount of confusion about which PSPS guidelines were considered mandatory. Also, there was no evidence of any physical or economic harm to customers attributable to the allegedly missed notifications, nor any evidence of intentional noncompliance. SED recognizes SCE's cooperation and willingness to constructively engage with SED on the negotiation of the Settlement Agreement, and SED explicitly considered a range of evidentiary and other matters, including SCE's factual disputes and legal defenses to the allegations set forth in the Proposed AEO, that would bear upon SED's pursuit of enforcement actions seeking penalties or citations on disputed issues of fact and law. When taken as a whole, the Settling Parties agree that the agreed-upon AEO Amounts and AEO Corrective Actions are within the range of reasonable outcomes had the matter proceeded to formal litigation. Accordingly, the agreed-upon AEO Amounts and AEO Corrective Actions appropriately resolve all issues related

to SED’s compliance review of SCE’s execution of 2020 PSPS events and any enforcement action SED may have brought based on the compliance review, are reasonable in light of the circumstances, consistent with the law, and in the public interest.

V.

CONCLUSION

The Settlement Agreement is (1) reasonable in light of the whole record and positions of the Settling Parties, (2) consistent with the law, and (3) in the public interest. The Settlement Agreement is also consistent with the Commission’s Enforcement Policy. The Settlement Agreement therefore represents a mutually acceptable outcome in a pending enforcement action, and thereby avoids the time, expense, uncertainty, and burden of litigating SCE’s Request for a Hearing. Accordingly, the Settling Parties respectfully request that a draft resolution adopting the Settlement Agreement be issued for public comment.⁵

Respectfully submitted on behalf of SCE and SED,
JENNIFER SHIGEKAWA
ANNA VALDBERG
ELENA KILLBERG

/s/ Elena Kilberg

By: Elena Kilberg

Attorneys for
SOUTHERN CALIFORNIA EDISON COMPANY
2244 Walnut Grove Avenue
Post Office Box 800
Rosemead, California 91770
Telephone: (562) 491-2236
E-mail: Elena.Kilberg@sce.com

Dated: October 13, 2022

⁵ Pursuant to Rule 11.1(g), “nothing . . . prevents the Commission or the Administrative Law Judge from ruling on a motion before responses or replies are filed.” This would be especially appropriate here in an appellate enforcement context where there are no parties apart from SED and the regulated utility, and the motion is filed jointly. *See* Resolution ALJ-299, Appendix A, p. 4 (Rule 8); Resolution ALJ-377, Appendix A, p. 6 (Rule 8).

Attachment A

Settlement Agreement

*SETTLEMENT AGREEMENT BETWEEN SOUTHERN CALIFORNIA EDISON COMPANY
AND THE SAFETY AND ENFORCEMENT DIVISION OF THE CALIFORNIA PUBLIC
UTILITIES COMMISSION RESOLVING THE INVESTIGATION INTO THE 2020 PSPS
EVENTS PURSUANT TO A PROPOSED ADMINISTRATIVE ENFORCEMENT ORDER*

(RESOLUTION M-4846)

Southern California Edison Company (“SCE”) and the Safety and Enforcement Division (“SED”) of the California Public Utilities Commission (“CPUC” or “Commission”) are hereinafter collectively referred to as the Settling Parties. On the following terms and conditions, the Settling Parties hereby agree to settle, resolve, and dispose of all claims, allegations, liabilities, and defenses within the scope of SED’s review of SCE’s Execution of 2020 Public Safety Power Shutoff (“PSPS”) Events.

This Settlement Agreement is entered into as a compromise of disputed claims and defenses to minimize the time, expense, and uncertainty of litigation, with the Settling Parties having taken into account the possibility that each Party may or may not prevail on any given issue, and to expedite timely action on critical safety measures and programs that benefit California consumers. The Settling Parties agree to the following terms and conditions as a complete and final resolution of all claims that have been or could be made by SED and all defenses that were or could have been raised by SCE related to alleged noncompliance in 2020 with the Commission’s PSPS guidelines, as set forth herein and in the proposed Administrative Enforcement Order issued by SED on June 15, 2022 (“Proposed AEO”). This Settlement Agreement constitutes the sole agreement between the Settling Parties concerning the subject matter of SCE’s Execution of the 2020 PSPS Events.

I. PARTIES

The Settling Parties to this Settlement Agreement are SED and SCE.

A. SED is a division of the Commission charged with enforcing compliance with the California Public Utilities Code and other relevant utility laws and the Commission’s rules, regulations, orders, and decisions. SED is also responsible for investigations of utility incidents, including fires, conducting compliance reviews of the utilities’ execution of PSPS events, and assisting the Commission in promoting public safety.

B. SCE is an investor-owned utility (“IOU”) and is subject to the jurisdiction of the Commission with respect to providing electric service to CPUC-jurisdictional retail customers. SCE serves a population of approximately 15 million in a 50,000-square-mile service area within Central, Coastal and Southern California.

II. RECITALS

A. Stipulated Facts

The Settling Parties have stipulated to the facts set forth below for purposes of this Settlement Agreement. The facts stipulated herein are solely for the purpose of reaching this Settlement Agreement and, should the Settlement Agreement not be approved by the CPUC, the Settling Parties hereby fully reserve their rights and remedies.

Background Information Relevant to PSPS

1. SCE, as an IOU, has the authority to shut off the electric power to protect public safety. Utilities initiate PSPS events during severe wildfire threat conditions as a mitigation measure of last resort to prevent significant wildfires associated with utility infrastructure. Such proactive de-energizations reduce the risk of a utility's infrastructure contributing to a wildfire.
2. While helping avert wildfires, a PSPS event can be disruptive and leave communities and critical facilities and infrastructure without power, which brings its own risks and hardships, particularly for customers with Access and Functional Needs.
3. From 2018 through 2020, the Commission issued PSPS guidelines, namely, Resolution ESRB-8, Decision (D.) 19-05-042 and D.20-05-051 in proceeding R.18-12-005. Some of these guidelines pertained to notification of impacted public safety partners, critical facilities and infrastructure, and other customers before, during and after a PSPS event.
4. In 2020, SCE initiated a total of 16 PSPS events and submitted 12 post-event reports for these events to the Director of SED, with service to the parties to proceedings R.18-12-005 and R.18-10-007, and to public safety partners. Stakeholders provided comments on these post-event reports. SED performed reviews on the submitted reports, including consideration of stakeholder comments, to evaluate SCE's compliance with the Commission's PSPS guidelines under Resolution ESRB-8, D.19-05-042 and D.20-05-051 in SCE's execution of and reporting on the 2020 PSPS events.
5. On June 15, 2022, SED issued a proposed Administrative Enforcement Order (AEO) to SCE pursuant to the Commission Enforcement Policy adopted by Resolution M-4846.
6. In the AEO, SED alleges that SCE did not comply with certain PSPS guidelines as set forth by the Commission. SED recommends that SCE take fourteen corrective actions to address findings in the AEO. SED also recommends SCE pay a monetary penalty of \$10 million due to SCE's failure to notify some customers during de-energization and re-energization.

7. Attached to the AEO is a “2020 Public Safety Power Shutoff (PSPS) Post Event Report Review” (2020 Post Event Report Review) that summarizes SED’s observations on SCE’s 2020 PSPS compliance record.
8. On July 15, 2022, SCE submitted a Request for Hearing of the Proposed AEO, disputing the basis for the penalty and certain allegations in the Proposed AEO, and setting forth the grounds for requesting a hearing.

III. AGREEMENT

To settle SED’s allegations of noncompliance from its 2020 PSPS compliance review and resolve all matters pertaining to the 2020 PSPS Events, as set forth above, and without admitting fault or conceding liability, SCE shall pay a total of \$7 million allocated and distributed as described herein (hereinafter, collectively the “AEO Amounts”), complete the corrective actions set forth in the Proposed AEO (“AEO Corrective Actions”), and take other actions as described more fully below:

- \$0.5 million: Fine to the General Fund of the State of California
- \$0.5 million: SCE’s Energy Assistance Fund
- \$6 million: Permanent Disallowances of PSPS program-related costs
- AEO Corrective Actions
- Motion to Withdraw Request for a Hearing

The Settling Parties have explicitly considered the issues, the AEO Amounts and the potential tax treatment applicable to these amounts. The Settling Parties expressly agree that the AEO Amounts are fair, just, and reasonable without any adjustment to account for any tax benefits or liabilities that may be realized by SCE or its shareholders.

1) **Fine to the General Fund:**

SCE shareholders will pay \$0.5 million to the General Fund of the State of California. This amount will be paid within 30 days of the Commission Approval Date, as defined in Section IV below.

2) **Contribution to the Energy Assistance Fund:**

SCE shareholders will contribute \$0.5 million to the Energy Assistance Fund (“EAF”) to provide direct benefits to customers needing financial assistance in paying their electric bills. Through EAF, a maximum of \$100 of assistance is available once per 12 months to eligible CARE customers. SCE will not incur additional administrative costs in distributing additional funds to customers resulting from this settlement. The amount of \$0.5 million will be paid to the EAF within 30 days of the Commission Approval Date, as defined in Section IV below.

3) Permanent Disallowances of PSPS Program-Related Costs

SCE will permanently waive its right to seek cost recovery for \$6 million of PSPS program-related costs focused on customer outreach, backup batteries, and notification improvements that are eligible for tracking in the Wildfire Mitigation Plan Memorandum Account and/or the Fire Risk Mitigation Memorandum Account. Of the \$6 million in costs, \$2.5 million will be (or was) incurred in 2022 and \$3.5 million will be incurred in 2023. SCE shall explicitly demonstrate the aggregate \$6 million write-off in cost recovery applications covering reasonableness reviews for 2022-2023 recorded costs above the amounts authorized for wildfire mitigation activities for those years in SCE's 2021 General Rate Case (Commission Decision 21-08-036). Details of the allocation, timing, and specific PSPS programs and spending areas of the PSPS program-related costs are set forth in Appendix A. Those details may be modified upon agreement by SCE and SED at their mutual discretion provided that the total committed and spent funding equals \$6 million.

4) AEO Corrective Actions

SCE has performed 12 of the 14 AEO Corrective Actions, and nearly completed the remaining two AEO Corrective Actions as of the date of this Settlement Agreement, as set forth in Appendix B to SCE's Request for a Hearing in Response to the Proposed Administrative Enforcement Order, dated July 15, 2022. SCE will complete the remaining two AEO Corrective Actions set forth in the Proposed AEO (Nos. 4 and 6), and certify completion of all AEO Corrective Actions, by June 30, 2023. In addition, SCE will also provide SED with quarterly validation of compliance with this Settlement Agreement for a period of two years after Commission Approval Date, as defined in Section IV below.

5) Motion to Withdraw Request for a Hearing

SCE will file a Motion to Withdraw its Request for a Hearing in CPUC docket no. H.22-07-009, within 14 days of the Commission Approval Date, as defined in Section IV below.

IV. COMMISSION APPROVAL DATE

Commission Approval Date is defined as the date on which the Resolution approving this Settlement Agreement (either without modification or with modification ordered by the Commission and accepted by both Settling Parties) and adopting the Proposed AEO, as modified by the Commission-approved Settlement Agreement, is no longer subject to any challenge, appeal, review, or modification.

V. ADDITIONAL TERMS

- A. The Settling Parties agree to seek expeditious approval of this Settlement Agreement and the terms of the settlement, and to use their reasonable efforts to

secure Commission approval of it without change, including by the Settling Parties filing a Joint Motion for Approval of the Settlement Agreement in H.22-07-009, requesting the assigned ALJ to issue a draft resolution for approval of the Settlement Agreement, as well as any other written filings, appearances, and other means as may be necessary to secure Commission approval.

- B. The Settling Parties agree to actively and mutually defend this Settlement Agreement if its adoption is opposed by any others before the Commission. In accordance with Rule 12.6 of the Commission's Rules of Practice and Procedure, if this Settlement Agreement is not adopted by the Commission, its terms are inadmissible in any evidentiary hearing unless their admission is agreed to by the Settling Parties. In the event the Commission rejects or proposes alternative terms to the Settlement Agreement, the Settling Parties reserve all rights set forth in Rule 12.4 of the Rules of Practice and Procedure. The provisions of Paragraph V.A and B shall impose obligations on the Settling Parties immediately upon the execution of this Settlement Agreement.
- C. The Settling Parties agree to continue to abide by the confidentiality provisions and protections of Rule 12.6 of the Commission's Rules of Practice and Procedure, which governs the discussions, admissions, concessions and offers to settle that preceded the execution of the Settlement Agreement and that were exchanged in all efforts to support Commission approval. Those prior negotiations and communications shall remain confidential indefinitely, and the Settling Parties shall not disclose them without the consent of both Settling Parties.
- D. SED agrees to release and refrain from instituting, directing, or maintaining any noncompliance or enforcement actions or proceedings against SCE related to the alleged noncompliance regarding the 2020 PSPS Events addressed herein based on the information: (a) known, or that could have been known, to SED at the time that SED executes this Settlement Agreement, or (b) substantially similar to the alleged SCE violations or compliance issues related to 2020 PSPS Events referenced in the Proposed AEO and this Settlement Agreement.
- E. Subject to Paragraph V.D, nothing in this Settlement Agreement constitutes a waiver by SED of its legal obligations, authority, or discretion to investigate and enforce applicable requirements as to other conduct by SCE unrelated to the alleged instances of noncompliance during 2020 PSPS Events addressed in the Proposed AEO and this Settlement Agreement that SED may identify as the basis for any alleged violation(s). SED shall retain such authority regardless of any factual or legal similarities that other SCE conduct, and any alleged violation(s), may have to SCE's alleged noncompliance related to the 2020 PSPS Events addressed in the Proposed AEO and this Settlement Agreement. Accordingly, any such similarities shall not preclude SED from using other conduct and alleged violation(s) as a basis for seeking future penalties.

- F. The Settling Parties have bargained in good faith to reach this Settlement Agreement. The Settling Parties intend the Settlement Agreement to be interpreted as a unified, interrelated agreement. The Settling Parties agree that no provision of this Settlement Agreement shall be construed against any of them because a particular party or its counsel drafted the provision. The representatives of the Settling Parties signing this Settlement Agreement are fully authorized to enter into this Settlement Agreement.
- G. The rights conferred and obligations imposed on any of the Settling Parties by this Settlement Agreement shall inure to the benefit of or be binding on that Settling Party's successors in interest or assignees as if such successor or assignee was itself a party to this Settlement Agreement.
- H. Should any dispute arise between the Settling Parties regarding the manner in which this Settlement Agreement or any term shall be implemented, the Settling Parties agree, prior to initiation of any other remedy, to work in good faith to resolve such differences in a manner consistent with both the express language and the intent of the Settling Parties in entering into this Settlement Agreement.
- I. This Settlement Agreement is not intended by the Settling Parties to be precedent for any other proceeding, whether pending or instituted in the future, and the AEO Amounts are not intended to serve as a benchmark for any potential violations during future PSPS events. The Settling Parties have assented to the terms of this Settlement Agreement only for the purpose of arriving at the settlement embodied in this Settlement Agreement. Each Settling Party expressly reserves its right to advocate, in other current and future proceedings, or in the event that the Settlement Agreement is rejected by the Commission, positions, principles, assumptions, arguments and methodologies which may be different than those underlying this Settlement Agreement, and the Settling Parties expressly declare that, as provided in Rule 12.5 of the Commission's Rules of Practice and Procedure, this Settlement Agreement should not be considered as a precedent for or against them.
- J. Regarding any issue resolved in this Settlement Agreement, each Settling Party is prohibited from filing a petition for modification or application for rehearing of a Commission decision that approves this Settlement Agreement without modification.
- K. SCE's waiver of its due process rights to an evidentiary hearing on the matters set forth herein is conditioned on a final Commission resolution or order approving this Settlement Agreement (without modification, or with modification(s) agreeable to the Settling Parties) and the Proposed AEO, as modified by this Settlement Agreement.
- L. This Settlement Agreement may be executed in counterparts.

- M. The Settling Parties hereby agree that this Settlement Agreement is entered into as a compromise of disputed violations and defenses in order to minimize the time, expense, and uncertainty of a hearing and/or other litigation.
- N. Nothing in this Settlement Agreement relieves SCE from any responsibilities imposed on it by law or Commission rules, orders, or decisions.
- O. In reaching this Settlement Agreement, the Settling Parties expect and intend that neither the fact of this settlement nor any of its specific contents will be admissible as evidence of fault or liability in any other proceeding before the Commission, any other administrative body, or any court. In this regard, the Settling Parties are relying on Evidence Code Section 1152(a) and Public Utilities Code Section 315. Furthermore, such use of this Settlement Agreement or any of its contents in any other proceeding before the Commission, any other administrative body, or any court would frustrate and interfere with the Commission's stated policy preference for settlements rather than litigated outcomes. See Pub. Util. Code § 1759(a).
- P. This Settlement Agreement and the Proposed AEO, as modified by this Settlement Agreement, constitute the entire agreement between the Settling Parties and supersede all prior or contemporaneous agreements, negotiations, representations, warranties and understandings of the Parties with respect to the subject matter set forth herein. In case of conflict between this Settlement Agreement and the Proposed or Commission-approved AEO, this Settlement Agreement shall govern.

IN WITNESS WHEREOF, the Settling Parties hereto have duly executed this Settlement Agreement.

[Signatures immediately follow this page]

Dated: October __, 2022
10/13/2022

Southern California Edison Company

DocuSigned by:
Jennifer Hasbrouck
D68DF74941864D1...

By: _____

Jennifer Hasbrouck, Senior Vice
President & General Counsel

[This space intentionally left blank]

Dated: October __, 2022

10/13/2022

Safety and Enforcement Division of the
California Public Utilities Commission

DocuSigned by:
Leslie Palmer
F3A37320690F40A...

By: _____

Leslie Palmer

Director, Safety and Enforcement
Division

[This space intentionally left blank]

Appendix A

Settlement Payment Allocation			
Program	2022 Spend	2023 Spend	Total
General Fund <ul style="list-style-type: none"> • 1x payment to GF 	N/A	\$500K	\$500K
Energy Assistance Fund (EAF) <ul style="list-style-type: none"> • 1x donation to EAF 	N/A	\$500K	\$500K
Permanent Disallowances of PSPS Program-Related Costs**			
1. Customer Outreach <ul style="list-style-type: none"> • Partnering with Community-Based Organizations (CBOs) to conduct education and outreach for their constituents and provide SCE with monthly reporting on outreach efforts 	\$500K	\$500K	\$1M
2. Critical Care Battery Backup <ul style="list-style-type: none"> • Increasing program eligibility guidelines by removing CARE/FERA requirements to expand to larger customer base 	N/A	\$3M	\$3M
3. PSPS Notifications <ul style="list-style-type: none"> • Enhancements to Emergency Outage Notifications System to improve communications with customers 	\$2M	N/A	\$2M
			\$7M

**SCE agrees to fund these shareholder contributions by foregoing cost recovery in its forthcoming anticipated 2022 and 2023 “Vegetation Management/Wildfire Mitigation” (WM/VM) Applications of the amount of incremental O&M as shown in the table above. Although the contributions will be targeted at the specific programs listed herein, SCE measures incrementality for wildfire mitigation costs on a total wildfire portfolio basis. Accordingly, SCE’s total requests in the forthcoming WM/VM Applications will be reduced by a cumulative \$6 million as measured on a portfolio basis.

Attachment B

Proposed AEO and 2020 PSPS Post Event Report Review SCE

CALIFORNIA PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the matter of:

Southern California Edison Company’s
Execution of 2020 Public Safety Power
Shutoff Events

**[PROPOSED] ADMINISTRATIVE
ENFORCEMENT ORDER**

[PROPOSED] ADMINISTRATIVE ENFORCEMENT ORDER

YOU ARE GIVEN NOTICE THAT:

1. Southern California Edison Company is alleged to have violated Commission Resolution ESRB-8, Decision (D.)19-05-042, and D.20-05-051.
2. The California Public Utilities Commission’s Safety and Enforcement Division (SED or Division) issues this proposed Administrative Enforcement Order (Proposed Order) to Southern California Edison Company (SCE or Respondent) pursuant to the Commission Enforcement Policy adopted by Resolution M-4846 (Policy). Pursuant to the Policy, SED is authorized to issue a proposed Administrative Enforcement Order (Proposed Order) to a regulated entity that has violated a Commission order, resolution, decision, general order, or rule. That Proposed Order may include a directive to pay a penalty.

RIGHT TO HEARING

3. Respondent is required to respond to this Proposed Order by 5:00 p.m. on ***Friday, July 15, 2022***. By way of such response, Respondent, must either: 1) pay any penalty required by this Proposed Order or 2) request a hearing on the Proposed Order. To request a hearing, the Respondent must file a Request for Hearing (including a complete title page complying with Rule 1.6 of the Commission’s Rules of Practice and Procedure) along with copies of any materials the Respondent wants to provide in support of its request with the Commission’s Docket Office **and** must serve the Request for Hearing, at a minimum, on:
 - 1) The Chief Administrative Law Judge (with an electronic copy to Administrative_Enforcement_Appeals_Coordinator@cpuc.ca.gov).
 - 2) The Director of Safety and Enforcement Division
 - 3) The Executive Director
 - 4) General Counsel
 - 5) The Director of the Public Advocates Office at the California Public Utilities Commission

The right to a hearing is forfeited if a Request for Hearing is not timely filed. If a timely Request for Hearing is not filed, this Proposed Order will become final and effective upon adoption by the Commission (Final Order).

4. Respondent must comply with the corrective action requirements of this Proposed Order by the date specified in the Proposed Order in paragraph 12 below, regardless of whether a Request for Hearing is filed. Neither payment of the penalty assessed in this Proposed Order nor the filing of a timely Request for Hearing shall excuse Respondent from curing the violations identified in this Proposed Order.
5. A requested hearing shall be conducted by an Administrative Law Judge in accordance with the hearing provisions in the Citation Appellate Rules. After hearing, this Proposed Order or any Administrative Law Judge modifications to the Proposed Order shall become a Final Order, effective upon Commission approval of the draft resolution prepared by the Administrative Law Judge. The draft Administrative Law Judge resolution approved by the Commission is subject to rehearing pursuant to Public Utilities Code section 1731 and to judicial review pursuant to Public Utilities Code section 1756.
6. This Proposed Order includes a requirement that Respondent pay a penalty. The factors set forth in the Penalty Assessment Methodology (Policy, Appendix I) were used to determine the penalty amount. The requirement that the penalty be paid shall be stayed during the hearing and rehearing process.
7. Unless otherwise specified, "days" means calendar days.

FINDINGS

8. ***Facts:*** Investor-owned utilities (IOUs) have the authority to shut off the electric power to protect public safety under California law. Utilities do this during severe wildfire threat conditions as a preventative measure of last resort through a Public Safety Power Shutoff (PSPS). Such power cuts reduce the risk of the IOUs' infrastructure to cause or contribute to a wildfire. However, a PSPS can leave communities and essential facilities without power, which brings its own risks and hardships, particularly for vulnerable communities and individuals. From 2018 through 2020, the Commission issued three sets of guidelines, namely, Resolution ESRB-8, D.19-05-042 and D.20-05-051, directing the IOUs to follow these guidelines in PSPS execution. In 2020, SCE initiated a total of 16 PSPS events and submitted 12 post event reports to CPUC. Stakeholders provided comments on these post event reports. SED performed reviews on the submitted reports, including consideration of stakeholder comments, to evaluate SCE's compliance with the reporting requirements under Resolution ESRB-8, D.19-05-042 and D.20-05-051.

Table 1

Report #	Report Title	Events Covered
1	May 27 – May 30, 2020	May 27 – May 30
2	June 25 – June 28, 2020	June 25 – June 28
3	July 31 – August 4, 2020	July 31 – Aug.4
4	September 5 – September 11, 2020	Sep. 5 – Sep. 11
5	October 16 – October 16, 2020	Oct. 16 – Oct. 16
6	October 23 – October 28, 2020	Oct. 23 – Oct. 28
7	November 3 – November 7, 2020	Nov. 3 – Oct. 7
8	November 14 – November 18, 2020	Nov. 14 -18
9	November 24 – November 28, 2020	Nov. 24 - 28
10	November 29 – December 4, 2020	Nov. 29 – Dec. 4
11	December 4 – December 14, 2020	1. Dec. 4 – 9 2. Dec. 10 – 11 3. Dec. 12 - 13
12	December 16 – December 24, 2020	1. Dec. 16 – 20 2. Dec. 22 - 25

Based on its review, SED concluded that SCE did not comply with provisions of Commission Resolution ESRB – 8, D.19-05-042 and D.20-05-051. Please see attachment “2020 Public Safety Power Shutoff (PSPS) Post Event Report Review – Southern California Edison” for more details.

- A. Resolution ESRB-8 states in part “IOUs shall submit a report to the Director of SED within 10 business days after each de-energization event, as well as after high-threat events where the IOU provided notifications to local government, agencies, and customers of possible de-energization though no de-energization occurred.” (ESRB-8 at 5).
 - A.1. For the November 29 – December 4 event, the post event report was submitted to the Director of SED on December 21, 2020. Because the event concluded on December 4, the due date for filing the post event report was December 18. SCE sent a notification to CPUC on December 18 stating it recognized December 18 was the due date and it would submit the report on December 21. However, this notice was a statement, not a request for an extension of the due date. SCE did not meet the reporting deadline of 10 business days after the event ended.
 - A.2. In the December 4 through December 14 report, SCE covered three PSPS events. SCE combined the three events into one reporting without prior approval from SED. SCE did not meet the reporting deadline for the three events. See details below:

Table 2

Period of Concern	Event Concluded	Report Due Dates	SCE's Filing Dates	Days overdue
Dec. 7 – Dec. 8	Dec. 9	Dec. 23	Dec. 29	6
Dec. 10 – Dec. 11	Dec. 11	Dec. 28	Dec. 29	1
Dec. 12 – Dec. 13	Dec. 13	Dec. 28	Dec. 29	1

Note: For December 12 – December 13 event, in the post event report, SCE stated the event concluded on December 14. This contradicts the email sent to the CPUC on December 13, at 4:23 pm which stated the event of December 12 - December 13 had concluded.

- A.3. The report capturing the events from December 16 through December 24 covered two PSPS events. SCE combined the two events into one report without prior approval from SED. SCE did not meet the report deadline for one of the events. See details below:

Table 3:

Period of Concern	Event Concluded	Report Due Dates	SCE's Filing Dates	Days overdue
Dec. 18 – Dec. 20	Dec. 20	Jan. 5	Jan. 11	6
Dec. 22 – Dec. 25	Dec. 25	Jan. 11	Jan. 11	n/a

- A.4. There was another PSPS event with Period of Concern from December 15 to December 16. SCE notified SED the event was cancelled on December 14 and SCE was notifying public safety partners and customers. However, SCE did not capture this event in any of the combined or individual post event report.

- B. Resolution ESRB-8 states in part “A report to the Director of SED...that includes.... (iv) the number of affected customers, broken down by residential, medical baseline, commercial/industrial, and other.” (ESRB-8 at 3).

- B.1 For the following events, SCE only reported the breakdown for the potentially affected customers, not for the de-energized customers:

- July 31 – August 4
- September 5 – September 11
- October 16 – October 16
- October 23 – October 28

- November 3 – November 7
 - November 14 – November 18
 - November 24 – November 28
 - November 29 – December 4
- B.2 For the following events, 'SCE's report did not include any customer breakdown, not for potentially affected nor actually de-energized:
- December 4 – December 14
 - December 16 – December 24
- B.3 When reporting the affected customer breakdown, SCE did not have the category of "commercial/industrial" per the guideline requirement, instead, it has "major" and "essential use" categories. SCE did not define those two categories. SCE's customer categorization did not comply with the reporting requirement.
- C. Resolution ESRB-8 states in part "Reports to the Director of SED must include at a minimum the following information: The local communities' representatives the IOU contacted prior to de-energization." (ESRB-8 at 5).
- C.1 Among all the submitted reports, SCE only reported the jurisdiction SCE contacted prior to de-energization, not the local communities' representatives.
- D. Resolution ESRB-8 states in part "The IOU shall summarize the number and nature of complaints received as the result of the de-energization event and include claims that are filed against the IOU because of de-energization." (ESRB-8 at 5).
- D.1 Stakeholders' comments state that their complaints were not captured in SCE's post event reports.
- E. Resolution ESRB-8 states in part "[r]eports to the Director of SED must include at a minimum the following information:..The IOU shall identify the address of each community assistance location during a de-energization event, describe the location (in a building, a trailer, etc.), describe the assistance available at each location, and give the days and hours that it was open." (ESRB-8 at 5).
- E.1 For the June 25 – June 28 event, SCE reported the Community Crew Vehicles' (CCV's) hours of operation but did not report the days of operation.

- E.2 For the November 29 – December 4 event, a total of 16 Community Resource Centers (CRCs) and CCVs were opened. SCE reported the center names where the CRCs or CCVs were located but did not report the addresses.
- E.3 For the November 3 – November 7 event, SCE did not describe the assistance available at each Community Resource Center (CRC) and CCV location.
- F. Resolution ESRB-8 states in part “The IOU shall notify the Director of SED, as soon as practicable, once it decides to de-energize its facilities. If the notification was not prior to the de-energization event, the IOU shall explain why a pre-event notification was not possible. The notification shall include the area affected, an estimate of the number of customers affected, and an estimated restoration time.” (ESRB-8 at 6).
 - F.1 For all the events, although SCE’s notifications to SED included Period of Concern, none of the notifications included an estimated restoration time.
 - F.2 For the November 3 – November 7 event, on November 8 at 11:04 am SCE notified the CPUC by email that the remaining 12 customers had been re-energized the morning of November 7. This notification was made more than 24 hours from the time service was fully restored at 9:37am November 7. SCE did not meet the 12-hour restoration notification requirement.
 - F.3 For the December 16 – December 24 event, SCE notified SED that all SCE customers had been restored and the event had concluded on December 24 at 4:48 pm. However, one circuit shared by SCE and PG&E was not restored until December 25 at 11:03am. SCE ‘s final update email did not identify that these four customers had not been restored yet, and SCE did not send another email to SED after December 25 notifying that all customers had been restored.
- G. D.19-05-042 Appendix A states in part “In addition to submitting a report to the Director of the Commission’s Safety and Enforcement Division within 10 business days of power restoration, electric investor-owned utilities must serve their de-energization report on the service lists of this proceeding and Rulemaking 18-10-007 or their successor proceedings. Service should include a link to the report on the utility’s website and contact information to submit comments to the Director of the Safety and Enforcement Division.” (Appendix A at A22).
 - G.1 For the May 27 – May 30 event, SCE did not provide the report to the service list.

- G.2 For the November 29 – December 4 event, SCE served this report on the service list on December 21, 2020, which was 11 business days after power restoration.
- G.3 For the December 4 – December 14 and December 16 – December 24 post event reports, SCE served the reports on the service list on December 29, 2020 and January 11, 2021, respectively. As SCE combined multiple events into one report and did not file any report for one event, SCE did not timely serve the reports for the following events:

Table 4

Period of Concern	Event concluded	Report service due dates	SCE’s serving dates	Days Overdue
Dec. 7 – Dec. 8	Dec. 9	Dec. 23	Dec. 29	6
Dec. 10 – Dec. 11	Dec. 11	Dec. 28	Dec. 29	1
Dec. 12 – Dec. 13	Dec. 13	Dec. 28	Dec. 29	1
Dec. 15 – Dec. 16	Dec. 14	Dec. 29	none	Not filed
Dec. 18 – Dec. 20	Dec. 20	Jan. 5	Jan. 11	6

- G.4 While the email service included a link to the PSPS post event report on SCE’s website and contact information to submit comments, the link only leads the viewers to SCE’s wildfire webpage, not to the specific report as required.

H. D.19-05-042 Appendix A states in part “the electric investor-owned utilities must provide the decision criteria leading to de-energization, including an evaluation of alternatives to de-energization that were considered and mitigation measures used to decrease the risk of utility-caused wildfire in the de-energized area” (D.19-05-042 at A22-A23). “Each electric investor-owned utility must clearly articulate thresholds for strong wind events as well as the conditions that define “an extreme fire hazard” (humidity, fuel dryness, temperature) that the electric investor-

owned utility evaluates in considering whether to de-energize.” (D.19-05-042 at 91).

H.1 SCE did not report the threshold or criteria of Fire Potential Index (FPI) leading to de-energization.

H.2 While SCE used the sectionalization to reduce the impacts, SCE did not provide the alternatives it considered, nor the evaluation of the alternatives. SCE simply stated it “only uses de-energization when no other alternatives will mitigate this fire risk and to the extent possible, minimizes the impact by limiting the de-energization to the smallest number of customers possible through segmentation of impacted circuits, where possible.”

I. D.19-05-042 states in part “[t]he electric investor-owned utilities should, whenever possible, adhere to the following minimum notification timeline:” (Appendix A at A8-9).

- 48-72 hours in advance of anticipated de-energization: notification of public safety partners/priority notification entities
- 24-48 hours in advance of anticipated de-energization: notification of all other affected customers/populations
- 1-4 hours in advance of anticipated de-energization, if possible: notification of all affected customers/populations
- When de-energization is initiated: notification of all affected customers/populations
- Immediately before re-energization begins: notification of all affected customers/populations
- When re-energization is complete: notification of all affected customers/populations (D.19-05-042 at A8)

I.1. For nine out of the 12 reports submitted, SCE did not comply with the required minimum notification timeline. These included:

I.1.1 First notifications did not meet the timeline

I.1.2 No imminent notifications or imminent notifications were less than one hour. The imminent notifications should be 1-4 hours in advance

I.1.3 No power shutoff initiation notifications

I.1.4 No notification before re-energization begins

I.1.5 No notification when re-energization is complete

Table 5 lists the notification timeline noncompliance for each event (page number references are to SCE’s PSPS post event report for the dates listed)

Table 5

Event dates	Non-compliance
June 25 - June 28	First notifications were delivered between 11 am to 12 pm on June 28 for the possible PSPS starting at the same day at 12 pm, they were not delivered at the requisite 72-48 and 48-24 hour timeframes. Customer notifications were disseminated on June 28, 2020 at approximately 11:30 am. 3 circuits did not receive initial notifications until 5:30 pm.
July 31 – Aug. 4	Some contacts in Los Angeles and Kern counties were inadvertently left off the initial notification. These contacts were manually contacted by Local Public Affairs the next day.
Sep. 5 – Sep. 11	For Sand Canyon circuit, only imminent notification was sent out at 03:38, Sep. 9 and de-energized at 03:54, less than one hour before the power shut off.
Oct. 23 – Oct. 28	1) 51 circuits did not receive “imminent” notifications. 2) 20 circuits did not receive notification at time of de-energization. 3) 10 circuits did not receive notice in advance of re-energization. 4) 10 circuits did not receive notice of re-energization.
Nov. 14 – Nov. 18	1) SCE provided imminent notices approximately 23 minutes prior to de-energization. 2) A portion of one circuit did not receive any imminent notifications.
Nov. 24 – Nov. 28	A portion of the Twin Lakes circuit only received imminent notification
Nov. 29 – Dec. 4	Some imminent notifications did not begin until after de-energization occurred
Dec. 4 – Dec. 14	SCE did not provide imminent notifications to all customers before de-energization.
Dec. 16 – Dec. 24	Not all customers received imminent notification of de-energization.

- I.2. There were instances that SCE did not send out any advance notifications to some customers prior to the de-energizations. SCE reported it was due to rapid onset of hazardous weather conditions. The customer counts without any advance notifications are below:

- October 16: 86 customers
- October 23 – 28: 2,051 customers
- November 3 – 7: 1,163 customers
- November 14 – 18: 9 customers
- November 29 – December 4: 253 customers
- December 4 – 14: 21,471 customers
- December 16 – 24: 540 customers
- Total: 25,573 customers

J. D.19-05-042 states in part “[t]he electric investor-owned utilities must convey to public safety partners at the time of first notification preceding a de-energization event information regarding the upcoming de-energization, including estimated start time of the event, estimated duration of the event, and estimated time to full restoration.” (D.19-05-042 at A16).

J.1. Although SCE’s public safety partner notification scripts provide a Period Of Concern (POC), the POC does not represent the estimated start time of de-energization and restoration

K. D.19-05-042 states in part “[t]he electric investor-owned utilities must partner with local public safety partners to communicate with all other customers that a de-energization event is possible, the estimated start date and time of the de-energization event, the estimated length of the de-energization event, which may be communicated as a range, and the estimated time to power restoration, which again, may be communicated as a range.” (D.19-05-042 at A22-A23).

K.1 None of the customer notifications included the estimated length of the event, nor the estimated time to power restoration

L. D.19-05-042 states in part “the electric investor-owned utilities must provide the following information: 4) A description and evaluation of engagement with local and state public safety partners in providing advanced education and outreach and notification during the de-energization event” (D.19-05-042 at A22-A23).

L.1. SCE did not provide an evaluation of its engagement with local and state public safety partners.

M. D.19-05-042 states in part “the electric investor-owned utilities must provide the following information: 5) For those customers where positive or affirmative notification was attempted, an accounting of the customers (which tariff and/or access and functional needs population designation), the number of notification attempts made, the timing of attempts, who made the notification attempt (utility or public safety partner) and the number of

customers for whom positive notification was achieved;” (D.19-05-042 at A22-A23).

- M.1 SCE only tracked critical care customers for positive or affirmative receipt of notification attempt. SCE did not provide the number of critical care customer notification attempts made.
 - M.2 SCE did not describe the timing of communication with the critical care customers.
- N. D19-05-042 states in part “the electric investor-owned utilities must provide the following information: 9) Lessons learned from the de-energization event” (D19-05-042, at A22-A23)
- N.1 For the November 3 – November 7 event and December 16 – December 24 event, SCE did not identify any specific lessons learned, but states that it was evaluating lessons from all events and considering improvements.
- O. D20-05-051, Appendix A (c) states in part “Each electric investor-owned utility shall enumerate and explain the cause of any false communications in its post event reports by citing the sources of changing data” (Appendix A, at 4)
- O.1 For situations when customers were notified of de-energization but ended up no power shutoff, SCE did not enumerate nor explain the cause.
- P. D.20-05-051, Appendix A (d) states in part “CRCs shall be operable at least 8 AM-10 PM during an active de-energization event, with actual hours of operation to be determined by the local government in cases in which early closure of a facility is required due to inability to access a facility until 10 PM.” (Appendix A, at 6)
- P.1 For the July 31 – August 4 event, SCE deployed CCV on August 2 from 5 pm to 8:30 pm and August 3, 3 pm to 9 pm (page 7). According to the Event Summary and Executive Summary (page 3), power shut-off started on August 2, 2020, at approximately 2:15 pm. Power was restored to most of the customer meters on Monday, August 3 at approximately 5:17 pm. The CCV was not immediately available when the power was shut off at 2:15 pm until 5 pm. Further, the CCV was not open until 3 pm on August 3
 - P.2 For the October 23 – October 28 event, the post event report contains the locations and available hours, which are stated as 9 am – 10 pm on October 26 and 9 am – 12 pm on October 27 (page 12).

However, a footnote states that “CRC/CCV operation coincided with the period of concern in each area, which resulted in actual hours of operation that are different from the CRC/CCV available hours”. SCE did not report the actual hours of operation for each location nor stated why the CCVs and CRCs were not available at 8am.

P.3 For the November 3 – November 7 event, three locations were open from 8 am to 10 pm on November 6th, but one CCV was only in operation from 5 pm to 10 pm on that day (page 7). SCE did not explain why that CCV was not in operation for the full hours.

P.4 For the December 4 – December 14 event, 14 CCVs were opened. For each of them, SCE reported the operation hours. Some of them were closed before 10 pm (page 18). SCE did not explain the reason.

Q. D.20-05-051, Appendix A (h) states in part “These reports shall include a thorough and detailed description of the quantitative and qualitative factors it considered in calling, sustaining, or curtailing each de-energization event (including information regarding why the de-energization event was a last resort option) and a specification of the factors that led to the conclusion of the de-energization event. (Appendix A at 9).

Q.1 SCE did not provide thorough and detailed quantitative factors in calling a PSPS event and why the de-energization was the last resort.

PENALTIES

9. The Commission has broad authority to impose penalties on any public utility that “fails or neglects to comply with any part or provision of any order, decision, decree, rule, direction, demand, or requirement of the commission.” (PU Code § 2106). We outlined several instances in this Order where SCE did not meet the provisions of Resolution ESRB-8, D.19-05-042, and D.20-05-051 as directed by the Commission. In part, these orders give guidance to IOUs of the type and timing of notifications to customers and public safety partners. In assessing penalties, we follow the Penalty Assessment Methodology as set forth by the Commission and outlined in Resolution M-4846. This methodology evaluates the reasonableness of a penalty using a five-factor analysis.

As discussed below, given the deferential nature of the PSPS requirements, SCE’s failure to notify some customers during de-energization and re-energization, the evolving nature of the PSPS program, SCE’s financial resources in being able to pay a fine, and the public interest in timely notifying customers and public safety

partners before, during and after a PSPS event, SED recommends a fine of \$10,000,000.

I. Severity or Gravity of the Offense

The severity of the offense considers the physical and economic harms of the offenses, harm to the regulatory process, and the number of people affected by the offense. As we explain below, the violation SCE is fined for is a failure to provide notifications during the de-energization event. There is no evidence that there was any physical or economic harm because of the lack of notification. The number of customers affected by the violation is also not entirely clear based on SCE's post event reporting. For example, during the PSPS event on November 14, no notification was sent out to a portion of one circuit without context on the number of customers affected. It was not clear how many people live within this one circuit. The lack of clarity in the reporting of which notifications were sent out and which customers received them posed a harm to the regulatory process.

II. Conduct of the Regulated Entity

The second factor we consider is the conduct of SCE. We are mindful that the Commission gave IOUs great discretion in several areas given the dynamic nature of these events and the infancy of the PSPS program in 2020. This is especially true of advance notifications prior to a de-energization event. While the Commission highlights the importance of advance notification prior to a PSPS, it also recognized situations where advance notice is impossible due to changing circumstances. Resolution ESRB-8 requires the IOU to notify customers "to the extent feasible and appropriate" (p. 4), recognizing that "it is not practicable to have an absolute requirement that electric IOUs provide advance notification to customer prior to a de-energization event." (p. 5). D.19-05-042 expanded somewhat on advance notifications to customers but again acknowledged "there may be times when de-energization must occur with little to no notification in order to respond to an emergency situation, to avoid the risk of a utility-caused wildfire, or because de-energization occurs due to an unforeseen circumstance outside of the control of the utility." (pp. 85-86).

D.19-05-042 requires IOUs to provide advance notifications 48-72 hours in advance of an anticipated de-energization, 24-48 hours in advance, and 1-4 hours in advance "whenever possible". (p. 86-87). It further recognizes that advanced notification 1-4 hours before an anticipate de-energization event "may not be possible at this juncture." (p. 87, fn. 93).

With that, the Commission does not extend deference to utilities in three instances of required notification to affected customers; when de-energization was initiated, when re-energization begins, and once re-

energization is completed. These events are unambiguous in that they are triggered by an event completely in the control of the utility—the physical de-energization. These notifications are required by order of the Commission.

This Order and the accompanying report lay out instances where SCE did not provide advance notifications to certain customers as required by the Commission. SCE is required to explain why no advanced notification was made to these customers and should use this information to better inform decisions for future PSPS events.

During the PSPS events in 2020, there were instances SCE did not send out notifications to affected customers when de-energization was initiated, immediately before re-energization began or when re-energization was complete. For example, the October 23-28 event saw several customers receiving no notifications during and after the event. SCE's failure to provide those notifications to customers was a violation of D19-05-042. But we would point out that while a customer may not have received a notification during de-energization or re-energization, they may have still received an advance notification prior to shut-off. It does not appear that any customer would have gone through an entire PSPS event with no notifications, in advance of the event or during.

III. Financial Resources of the Regulated Entity, Including the Size of the Business

The third factor under the methodology is the financial resources of the utility. Here, the Commission must ensure against excessive fines or penalties while imposing an effective fine/penalty. An effective fine or penalty is one that reflects the severity of the harm (the first factor examined above) and is also proportionate to the offending entity and those similarly situated to deter future similar offense of violations, without putting them out of business or otherwise impacting the entity in a catastrophic way.

Here, we recommend SCE be assessed a fine of \$10,000,000. SCE is one of the largest electric utilities in the state of California in terms of customers and revenue. This amount is enough to emphasize the importance of the notification requirements relative to its size.

IV. Totality of the Circumstances in Furtherance of the Public Interest

The fourth factor under Resolution M-4846 is an evaluation of the penalty in the totality of the circumstances, with an emphasis on protecting the public interest. As described above, a \$10,000,000 fine is reasonable under the circumstances. D.19-05-042 went into detail about the importance of notification requirements during a PSPS event (p.35-37, 85-87). The

Commission emphasized the balance that must be struck in communicating the risk of a PSPS without causing confusion or ambivalence. This fine represents the importance the Commission placed on the notification framework in D.19-05-042. While all customers may have received a notification of a de-energization at some point, the Commission emphasized a more structured approach to optimize public awareness.

V. The Role of Precedent

The final factor is an examination of fines in other Commission Decisions with similar factual situations. This is the first enforcement action of the PSPS program since the Commission Decisions D.19-05-042 and D.20-05-051. We believe a \$10,000,000 fine in this instance can serve as an adequate benchmark for any potential violations during future PSPS events.

Based on the above, we believe a fine of \$10,000,000 is reasonable and appropriate under Resolution M-4846.

10. This penalty is due within 30 days of adoption of the Final Order. Respondent's payment shall be by check or money order and shall be made payable to the California Public Utilities Commission. Respondent shall write on the face of the check or money order: "For deposit to the State of California General Fund." Respondent shall deliver payment to:

California Public Utilities Commission's Fiscal Office
505 Van Ness Ave.
Room 3000
San Francisco, CA 94102

11. In the event the payment specified in paragraph 9 is not timely received by the Commission, a late payment will be subject to interest in the amount of 10% per year, compounded daily and to be assessed beginning the calendar day following the payment-due date. The Commission may take all necessary action to recover any unpaid penalty and ensure compliance with applicable statutes and Commission orders.

The penalty amount shall not be placed in rates or be otherwise paid for by ratepayers.

CORRECTIVE ACTION

12. Respondent shall conduct the following actions in the manner specified, and in accordance with a schedule specified by the Division as follows:
 - 1) SCE must timely file, submit and serve the post event report in compliance with the guideline requirements for each individual PSPS event. Should SCE

require an extension of time to submit the post-event reports, SCE must submit a request for an extension of time in compliance with the Commission's Rules of Practice and Procedure and concurrently serve this request via email on the Commission's Safety and Enforcement Division Director.

- 2) SCE must report the number of de-energized customers broken down by the required categories.
 - 3) SCE must report the local communities' representatives it contacted prior to the de-energization in addition to the jurisdiction.
 - 4) SCE will implement a tracking system to completely track and report any formal and informal Commission complaints and complaints filed directly with SCE.
 - 5) SCE must operate the CRCs/CCVs in compliance with the required operation hours for each PSPS event. SCE must completely and accurately report the days and hours of operation, and provide the address and assistance offered in each CRC/CCV location.
 - 6) SCE must send accurate and complete notifications to the Director of SED, including notification timeline and the content.
 - 7) SCE must report the threshold or criteria leading to de-energization including but not limited to FPI.
 - 8) SCE must provide the alternatives it considered and the evaluation of each alternative.
 - 9) SCE must send the notifications to public safety partners and customers in compliance with the requirement under D19-05-042 including timeline and notification content.
 - 10) SCE must provide an evaluation of its engagement with local and state public safety partners.
 - 11) For positive or affirmative notifications, SCE must track customers beyond critical care customers and provide the timing of such notifications.
 - 12) SCE must report lessons learned from each PSPS event.
 - 13) SCE must enumerate and explain the cause of situations at-issue, which involves some level of perceived defect in notice, including but not limited to, when customers were de-energized without any advance notifications and when customers are notified for de-energization, but end up with no power shut off.
 - 14) SCE must provide thorough and detailed quantitative factors in calling a PSPS event and why the de-energization was the last resort.
13. Within 120 days following adoption of this Order by the Commission (Final Order), Respondent shall submit to the Division written certification that it has corrected all violations. The certification shall include confirmation of its compliance (accompanied by all supporting documentation) or noncompliance with all requirements set forth in Paragraph 12. Any notice of noncompliance required under this paragraph shall state the reasons for noncompliance and when compliance is expected and shall include a detailed plan for bringing the

Respondent into compliance. Notice of noncompliance shall in no way excuse the noncompliance.

14. Respondent shall be subject to an additional penalty amount for each failure to comply with the actions required by Paragraph 12. The penalty amount shall be within the range allowed by statute and calculated in accordance with the Commission's Penalty Assessment Methodology, attached as Appendix I to the Policy.
15. All written submittals from Respondent pursuant to this Order shall be sent to:

Division Director Lee Palmer
Safety and Enforcement Division
California Public Utilities Commission
505 Van Ness Avenue
San Francisco, CA 94102

All other communications from Respondent shall be to: Anthony Noll, Program Manager, Anthony.noll@cpuc.ca.gov, 916-247-9372.

16. All approvals and decisions of the Division will be communicated to Respondent in writing by the Division Director or a designee. No informal advice, guidance, suggestions, or comments by the Division regarding reports, plans, specifications, schedules or any other writings by Respondent shall be construed to relieve Respondent of the obligation to obtain such formal approvals as may be required or to bind the Commission.
17. If the Division determines that any report, plan, schedule, or other document submitted for approval pursuant to the Proposed or Final Order (Order) fails to comply with the Order, the Division may:
 - (a) Return the document to Respondent with recommended changes and a date by which Respondent must submit to the Division a revised document incorporating the recommended changes.
18. If Respondent is unable to perform any activity or submit any document within the time required under this Order, Respondent may, prior to expiration of time, request an extension of time in writing. The extension request shall include a justification for the delay and a detailed plan for meeting any new proposed compliance schedule. All such requests shall be in advance of the date on which the activity or document is due.
19. If the Division determines that good cause exists for an extension, it will grant the request and specify in writing a new compliance schedule. Respondent shall comply with the new schedule.

20. All plans, schedules, and reports that require the Division approval and are submitted by Respondent pursuant to this Order are incorporated into this Order upon approval by the Division.
21. Neither the State of California, nor its employees, agents, agencies (including the Commission), representatives, or contractors, shall be liable for injuries or damages to persons or property resulting from acts or omissions by Respondent or related parties in carrying out activities pursuant to this Order, nor shall the Commission be held as a party to a contract entered into by Respondent or its agents in carrying out activities pursuant to this Order.
22. A Final Order shall apply to and be binding upon Respondent, and its officers, directors, agents, employees, contractors, consultants, receivers, trustees, successors, and assignees, including but not limited to individuals, partners, and subsidiary and parent corporations. Respondent shall provide a copy of this Final Order to all contractors, subcontractors, laboratories, and consultants that are retained to conduct any work or activities performed under this Final Order, within 15 days after the effective date of this Final Order or the date of retaining their services, whichever is later. Respondent shall condition any such contracts upon satisfactory compliance with this Final Order. Notwithstanding the terms of any contract, Respondent is responsible for compliance with this Order and for ensuring that its subsidiaries, employees, contractors, consultants, subcontractors, agents, and attorneys comply with this Order.
23. Nothing in this Order shall relieve Respondent from complying with all other applicable laws and regulations. Respondent shall conform all actions required by this Order with all applicable federal, state, and local laws and regulations.
24. This is an action to enforce the laws and regulations administered by the Commission. The method of compliance with this enforcement action consists of payment of an administrative penalty and compliance actions to enforce a permit or order issued by the Commission. The Commission finds that issuance of this Order is exempt from the provisions of the California Environmental Quality Act (Public Resources Code § 2100 et seq.) pursuant to section 15321(a)(2); chapter 3, title 14 of the California Code of Regulations exempting actions to enforce or a permit prescribed by a regulatory agency.
25. The Respondent shall not have any ex parte communications with Commission decisionmakers and will only communicate with the Commission through Request for Hearings or other appropriate procedural avenues.

IT IS ORDERED.

DATE: _____

BY: **Leslie L
Palmer**

Digitally signed by Leslie L
Palmer
Date: 2022.06.15 10:50:36
-07'00'

Leslie Palmer
Director, Safety and Enforcement Division
California Public Utilities Commission

2020 Public Safety Power Shutoff (PSPS) Post Event Report Review Southern California Edison (SCE)

Introduction and Recommendations:

In 2020, SCE initiated a total of 16 PSPS events. In some cases, SCE combined more than one PSPS event into a single post event report. As a result, SCE submitted 12 post event reports to California Public Utilities Commission (CPUC). The CPUC's Safety and Enforcement Division (SED) reviewed the submitted reports to evaluate SCE's compliance with the reporting requirements under Resolution ESRB-8, Decision (D.)19-05-042 and D.20-05-051. The findings in this Post Event Report Review are based on the information presented in the post event reports and the public comments.

Table 1 below summarizes the impact of SCE's 2020 PSPS events on various customer categories. The table represents revised data in response to SED's data requests.

Table 1 - SCE 2020 PSPS Summary

Report #	Dates	Total Customers Notified	Total Customers De-energized	Medical Baseline Customers De-energized	Number of Counties De-energized	Number of Tribes De-energized
1	May 27 – May 30	3,366	0	0	0	0
2	June 25 – June 28	13,444	0	0	0	0
3	July 31 – Aug. 4	368	17	0	1	0
4	Sep. 5 – Sep. 11	76,751	252	10	2	0
5	Oct. 16 – Oct. 16	78	86	1	2	0
6	Oct. 23 – Oct. 28	128,543	36,290	1,208	6	0
7	Nov. 3 – Nov. 7	5,682	1,335	18	3	0
8	Nov. 14 – Nov. 18	10,402	509	16	4	0
9	Nov. 24 – Nov. 28	84,151	20,687	766	6	0
10	Nov. 29 – Dec. 4	197,301	64,348	2,089	6	0
11	Dec. 4 – Dec. 14	185,229	79,154	2,528	7	5
12	Dec. 16 – Dec. 24	140,950	27,519	786	7	2

data source: SCE 2020 PSPS post event reports and SCE's responses to SED's data requests.

SED has found numerous issues and concerns. In particular, SCE revised data in its PSPS summaries in response to data requests from SED, resulting in significant differences from what were initially reported in the PSPS post event reports. SCE claimed the data revision was due to a validation process. SCE shall take immediate corrective actions to comply with the guideline requirements and ensure data integrity, reporting accuracy, consistency, and completeness.

Compliance Review:

The results of the review are presented below in the order the existing guidelines were published. (The attachment to SCE's post event report is not page numbered. For easier reference, SED refers to the specific page in attachment as "PDF file page #". Any other page number refers to the report page #).

I. Resolution ESRB-8:

1. *A notification to the Director of SED provided no later than 12 hours after the power shut-off.*

For all of the events, SCE notified SED within 12 hours after the power shut-off.

2. *IOUs shall submit a report to the Director of SED within 10 business days after each de-energization event, as well as after high-threat events where the IOU provided notifications to local government, agencies, and customers of possible de-energization though no de-energization occurred.*

- 1) For the November 29 – December 4 event, the post event report was submitted to the Director of SED on December 21, 2020. The event concluded on December 4 and the due date for filing the post event report was December 18. SCE did not meet the reporting deadline of 10 business days after the event ended. SCE sent a notification to CPUC on December 18 stating it recognized December 18 was the due date and it would submit the report on December 21. However, this notification was a statement, not a request for an extension of the due date.
- 2) For the December 4 – December 14 report, SCE covered three PSPS events. SCE combined the three events into one reporting without prior approval from SED. SCE did not meet the report deadline for three of the events. See Table 2 below:

Table 2

Period of Concern	Event concluded	Report due dates	SCE's filing dates	Days overdue
Dec. 7 – Dec. 8	Dec. 9	Dec. 23	Dec. 29	6
Dec. 10 – Dec.11	Dec. 11	Dec. 28	Dec. 29	1
Dec. 12 – Dec. 13	Dec. 13	Dec. 28	Dec. 29	1

In addition, for the December 12 – December 13 event, SCE's post event report stated the event concluded on December 14. This contradicts the email sent to the CPUC on December 13, at 4:23 pm which stated the December 12 - December 13 event concluded.

- 3) The December 16 – December 24 event covered two PSPS events. SCE combined the two events into one report without prior approval from SED. SCE did not meet the report deadline for one of the events. See Table 3 below:

Table 3

Period of Concern	Event Concluded	Report due dates	SCE's filing dates	Days overdue
Dec. 18 – Dec. 20	Dec. 20	Jan. 5	Jan. 11	6
Dec. 22 – Dec. 25	Dec. 25	Jan. 11	Jan. 11	On Time

- 4) There was another PSPS event with Period of Concern from December 15 – December 16. SCE notified SED it was cancelled on December 14 and that SCE was notifying public safety partners and customers. However, SCE did not include this event in any of the post event reports.

3. *The report should include:*

- a. *an explanation of the decision to shut off power;*

SCE provided an explanation of the decision to shut too off power. The explanation was similar in each report. SCE described they watched the weather, then decided if needed to turn off the power based on the weather conditions.

For SED's evaluation, refer to Section II. 2. a. (evaluation of D.19-05-042 – Phase I Guidelines).

- b. *all factors considered in the decision to shut off power, including wind speed, temperature, humidity, and moisture in the vicinity of the de-energized circuits;*

See SED's further evaluation under Section II.2.a. (evaluation of D.19-05-042 – Phase I Guidelines).

- c. *the time, place, and duration of the shut-off event;*

SCE reported the time, place, and duration of the shut-off events.

- d. *the number of affected customers, broken down by residential, medical baseline, commercial/industrial, and other;*

SCE referred to Attachment B - Customer Communication Notification Tracking Sheet as the responses to this reporting requirement. However, Attachment B varies by event. Upon the review of Attachment B, SED noted the following issues:

- 1) For the following events, SCE only reported the breakdown for the potentially affected customers, not for the de-energized customers:
 - July 31 – August 4
 - September 5 – September 11
 - October 16 – October 16
 - October 23 – October 28
 - November 3 – November 7
 - November 14 – November 18
 - November 24 – November 28
 - November 29 – December 4

- 2) For the following events, SCE did not report the category breakdown at all, not even the potentially affected customers:
 - December 4 – December 14
 - December 16 – December 24
- 3) When reporting the affected customer breakdown, SCE did not have the category of “commercial/industrial” per the guideline requirement, instead, it had “major” and “essential use” categories. SCE did not define those two categories. SED therefore finds that SCE’s customer categorization did not comply with the reporting requirement.

- e. *any wind-related damage to IOU’s overhead power-line facilities in the areas where power is shut off;*

Among the 12 post event reports, SCE reported wind damages in the following six events:

- July 31 – August 4
- October 23 – October 28
- November 24 – November 28
- November 29 – December 4
- December 4 – December 14
- December 16 – December 24

- f. *a description of the notice to customers and any other mitigation provided by IOU;*

SCE described how they notified customers, acknowledged notification failures and provided explanations. For SED’s evaluation, see Section II. 2. b & Section II. 2. c. (evaluation of D.19-05-042 – Phase I Guidelines).

SCE reported it used different types of sectionalizing devices including Remote Automatic Recloser (RAR), Remote Controlled Switch (RCS), Pole Switch (PS), Gas Switch (GS), Padmount Enclosure (PME), and Circuit Breaker (CB) to isolate and de-energize only the necessary portions of circuits as mitigation.

- g. *any other matters that IOU believes are relevant to the Commission's assessment of the reasonableness of IOU's decision to shut off power.*

SCE did not report any other matters.

- h. *The local communities' representatives the IOU contacted prior to de-energization, the date on which they were contacted, and whether the areas affected by the de-energization are classified as Zone 1, Tier 2, or Tier 3 as per the definition in General Order 95, Rule 21.2-D.*

SCE reported the areas affected by the 2020 de-energization events were classified as either Tier 2 or Tier 3. However, SCE only reported the jurisdiction, not the specific names of the organization or local communities, or the title of the contacted representatives contacted. SCE must provide the specific organization/jurisdiction names and the title of contacted representatives. Without the specific organizations identified, SED cannot determine which local communities that SCE had contacted.

- i. *If an IOU is not able to provide customers with notice at least 2 hours prior to the de-energization event, the IOU shall provide an explanation in its report.*

Refer to SED's assessment under Section II. 2. c. (evaluation of D.19-05-042 – Phase I Guidelines).

- j. *The IOU shall summarize the number and nature of complaints received as the result of the de-energization event and include claims that are filed against the IOU because of de-energization.*

SCE provided the numbers of complaints and claims in each report, as summarized in Table 4 below. Examples of the complaints were lack of information during PSPS, disagreement with use of PSPS, multiple PSPS, notification, long duration of PSPS and unfair impact on elderly. Most of the claims were for food loss.

Table 4

Dates	Number of Complaints	Number of Claims	Report page #
May 27 – May 30	0	0	Page 6
June 25 – June 28	1	0	In the report of July 31 – August 4, Page 7
July 31 – Aug. 4	0	0	Page 6
Sep. 5 – Sep. 11	0	0	Page 7
Oct. 16 – Oct. 16	0	0	Page 5
Oct. 23 – Oct. 28	10	147	Page 11, and In the report of Nov. 14 – Nov. 18, Page 7
Nov. 3 – Nov. 7	2	0	In the report of Nov. 14 – Nov. 18, page 7
Nov. 14 – Nov. 18	2	0	Page 8
Nov. 24 – Nov. 28	3	68	Page 8, and in the report of Dec.16 – Dec. 24, page 10
Nov. 29 – Dec. 4	10	168	Page 11, and in the report of Dec. 16 – Dec. 24, p10
Dec. 4 – Dec. 14	53	6	Page 12, and in the report of Dec. 16 – Dec. 24, p10
Dec. 16 – Dec. 24	37	45	Page 10
Total	118	434	

Note: SCE provided contradictory information in its post event report for November 29 – December 4. See item 2) below. For statistic purpose, SED counted the complaints as for November 29 – December 4.

In addition, SCE also reported some community inquires and concerns regarding notifications, weather forecasting and vulnerable customers, etc.

While SCE reported a total of 118 complaints and 434 claims, SED noted the following issues:

- 1) Stakeholders state in their comments on the post-PSPS reports that their complaints were not captured in SCE's post event reports. SCE must ensure all the complaints from various sources are completely and properly reflected in the reports.
- 2) For the November 29 – December 4 event, SCE reported "SCE Consumer Affairs did receive 9 complaints from representatives of affected cities through the CPUC's Consumer Affairs Branch" (page 11, item 4). However, the details indicated the complaints were for the prior event which was November 24, not related to this event.

- k. *The IOU shall provide detailed description of the steps it took to restore power.*

SCE reported the steps it took to restore power by briefly stating when dangerous conditions subside, circuits that are de-energized will be patrolled and inspected to ensure there is no damage before power can be safely restored. Any visual inspection of the power lines typically take place during daylight hours for safety and accuracy. Therefore, patrol and restoration operations may be limited or prolonged during overnight hour.

- l. *The IOU shall identify the address of each community assistance location during a de-energization event, describe the location (in a building, a trailer, etc.), describe the assistance available at each location, and give the days and hours that it was open.*

While SCE reported the information about community assistance, SED noted the following issues:

- 1) For the June 25 – June 28 event, SCE reported the Community Crew Vehicles' (CCVs) hours of operation, but did not report the days of operation.
- 2) For the November 29 – December 4 event, a total of 16 Community Resource Centers (CRCs) and CCVs were opened, SCE reported the center names where the CRCs or CCVs were

located but did not report the address. SCE must report the address of each CRC/CCV.

- 3) For the November 3 – November 7 event, SCE did not describe the assistance available at each CRC location.
4. *The IOU shall notify the Director of SED, as soon as practicable, once it decides to de-energize its facilities. If the notification was not prior to the de-energization event, the IOU shall explain why a pre-event notification was not possible. The notification shall include the area affected, an estimate of the number of customers affected, and an estimated restoration time. The IOU shall also notify the Director of SED of full restoration within 12 hours from the time the last service is restored.*

SED noted the following issues:

- 1) For all the events, although SCE’s notifications to SED included Period of Concern, none of the notifications included an estimated restoration time.
- 2) SCE did not meet the 12-hour restoration notification requirement for the November 3 – November 7 event. SCE fully restored service at 9:37am on November 8, but did not notify SED by email until November 8th at 11:04am that the remaining 12 customers had been re-energized the morning of November 7. This notification was made after more than 24 hours from the time service was fully restored at 9:37am November 7th (page 5).
- 3) For the December 16 – December 24 event, on December 24 at 4:48 pm, SCE notified SED that all SCE customers had been restored and the event had concluded. However, one circuit shared by SCE and PG&E was not restored until December 25^h at 11:03am. SCE ‘s final update email did not identify that these four customers had not been restored yet, and SCE did not send another email to the SED after December 25 notifying that all customers had been restored.

II. D.19-05-042 - Phase 1 Guidelines

1. *In addition to submitting a report to the Director of the Commission’s Safety and Enforcement Division within 10 business days of power restoration, electric investor-owned utilities must serve their de-energization report on the service lists of this proceeding and Rulemaking 18-10-007 or their successor proceedings. Service should include a link to*

the report on the utility’s website and contact information to submit comments to the Director of the Safety and Enforcement Division.

SCE served the reports to the service list in a timely manner with the following exceptions:

- 1) For the May 27 – May 30 event, the report was not provided to the service list.
- 2) For the November 29 – December 4 event, SCE served this report on the service list on December 21, 2020, which was 11 business days after power restoration.
- 3) For the December 4 – December 14 and December 16 – December 24 post event reports, SCE served the report on the service list on December 29, 2020 and January 11, 2021, respectively. As SCE combined multiple events into one report, SCE missed the deadline of serving the post event reports for the following events.

Table 5

Period of Concern	Event concluded	Report service due dates	SCE’s serving dates	Days overdue
Dec. 7 – Dec. 8	Dec. 9	Dec. 23	Dec. 29	6
Dec. 10 – Dec. 11	Dec. 11	Dec. 28	Dec. 29	1
Dec. 12 – Dec. 13	Dec. 13	Dec. 28	Dec. 29	1
Dec. 15 – Dec. 16	Dec. 14	Dec. 29	none	Not filed
Dec. 18 – Dec. 20	Dec. 20	Jan. 5	Jan. 11	6

In addition, while SCE included a link to the PSPS post event report on SCE’s website and contact information to submit comments, the link was to SCE’s wildfire webpage not to the specific report as required.

2. In addition to the reporting requirements in Resolution ESRB-8, the electric investor-owned utilities must provide the following information:

- a. *Decision criteria leading to de-energization, including an evaluation of alternatives to de-energization that were considered and mitigation measures used to decrease the risk of utility-caused wildfire in the de-energized area*

While SCE considered various factors including Fire Potential Index (FPI) values and wind speed expected to either exceed National Weather Service (NWS) advisory levels of 31 mph sustained/46 mph gust or forecasted to exceed the top 1% of historic wind speeds, SED noted the following issues:

- 1) SCE did not establish the threshold or criteria of FPI.
- 2) While SCE used the sectionalization to reduce the impacts, SCE did not provide the alternatives it considered nor the evaluation of the alternatives. SCE simply stated it “only uses de-energization when no other alternatives will mitigate this fire risk and to the extent possible, minimizes the impact by limiting the de-energization to the smallest number of customers possible through segmentation of impacted circuits, where possible.”

- b. *A copy of all notifications, the timing of notifications, the methods of notifications and who made the notifications (the utility or local public safety partners).*

Upon the review of the copies of notifications, notification scripts, PSPS notification tracking sheet and Everbridge PSPS Notification Audit Report, SED noted numerous notification deficiencies. Consequently, SCE must enhance its notification process. SED identified the following deficiencies

- 1) Timing of notifications
 - 1.1) For six out of the 12 reports submitted, there were instances that SCE did not send out any advance notifications to some customers prior to the de-energizations (see Table 6).

Table 6

Dates	Customer Counts	Explanation	Report Page #
Oct. 16	86 ¹	rapid onset of hazardous weather conditions	Page 4 & 8
Oct. 23 – Oct. 28	2,051	rapid onset of hazardous weather conditions	Page 7
Nov. 3 – Nov. 7	1,163	rapid onset of hazardous weather conditions	Page 5
Nov. 14 – Nov. 18	9	Not originally in the Period of Concern	Page 5 & 6
Nov. 29 – Dec. 4	253	rapidly escalating wind speeds and high Fire Potential Index ratings	Page 10 & 11
Dec. 4 – Dec. 14	21,471	rapidly escalating wind speeds and elevated Fire Potential Index ratings	Page 10 & 11
Dec. 16 – Dec. 24	540	rapidly escalating wind speeds and elevated Fire Potential Index ratings	Page 8 & 9
Total	25,573		

- 1.2) For nine out of the 12 reports submitted, SCE did not comply with the required minimum notification timeline (see Table 7). These included:
- Initial notifications did not meet the timeline.
 - No imminent notifications or imminent notifications were less than one hour. The imminent notifications should be 1-4 hours in advance
 - No power shutoff initiation notifications.

¹ In response to SED's data request, on February 24, 2021, SCE revised the total customers notified from the initially reported of 0 to 78 as reflected in Table 1 For the review of notification timing, SED took the initially reporting that none of the 86 de-energized customers were provided advance notification.

Table 7

	Non-compliance	SCE Explanation
June 25 - June 28	Initial notifications were not delivered at the requisite 72-, 48 and 24-hour timeframes.	To weigh potential de-energization against the risk to public safety and prevent false notification of a PSPS event due to the rapidly shifting weather patterns.
	Customer notifications were disseminated on June 28, 2020 at approximately 11:30 am. 3 circuits did not receive initial notifications until 5:30 pm.	Human error.
July 31 – Aug. 4	Some contacts in Los Angeles and Kern counties were inadvertently left off the initial notification. These contacts were manually contacted by Local Public Affairs the next day.	Technical issue with the Everbridge Notification System SCE uses for local government and municipal Public Safety Partner notifications.
Sep. 5 – Sep. 11	For Sand Canyon circuit, only imminent notification was sent out at 3:38 am, Sep. 9 and de-energized at 3:54 am, less than one hour before the power shut off.	Sand Canyon Circuit was not in scope.

<p>Oct. 23 – Oct. 28</p>	<ol style="list-style-type: none"> 1) 51 circuits did not receive imminent notifications. 2) 20 circuits did not receive notification at time of de-energization. 3) 10 circuits did not receive notice in advance of re-energization. 4) 10 circuits did not receive notice of re-energization. 5) Three circuits did not receive any prior notifications 	<p>For 1) – 4), SCE did not provide explanations. For 5), rapid onset of hazardous weather conditions.</p>
<p>Nov. 14 – Nov. 18</p>	<ol style="list-style-type: none"> 1) SCE provided imminent notices approximately 23 minutes prior to de-energization. 2) A portion of one circuit did not receive any imminent notifications. 3) Three circuits did not receive any prior notifications. 	<p>1) & 2) rapidly escalating wind speeds. 3) rapid onset of hazardous weather conditions.</p>
<p>Nov. 24 – Nov. 28</p>	<p>A portion of the Twin Lakes circuit only received imminent notification.</p>	<p>Observed fire weather conditions from rapidly escalating wind speeds.</p>
<p>Nov. 29 – Dec. 4</p>	<p>Some imminent notifications did not</p>	<p>1) Communication errors between grid</p>

	begin until after de-energization occurred.	operations and customer service. 2) Rapidly escalating wind speeds.
Dec. 4 – Dec. 14	1) SCE did not provide imminent notifications to all customers before de-energization. 2) 24 circuits did not receive any advance notifications prior to the power shut off.	1) The large number of circuits that required de-energization and the internal issues coordinating imminent notifications between grid operations, responsible for managing de-energizations, and customer service, responsible for providing notices 2) Rapidly escalating wind speeds and elevated Fire Potential Index ratings.
Dec. 16 – Dec. 24	Not all customers received imminent notification of de-energization.	Internal issues coordinating imminent notifications between grid operations, responsible for managing de-energizations, and customer service, responsible for providing notices Rapidly escalating wind speeds and high Fire Potential Index ratings.

Following the minimum notification timeline is imperative, especially to Access and Functional Needs (AFN) customers who rely on the notifications at different time intervals to plan, adjust

and arrange the resources for power outages.

2) Incomplete notifications

2.1) In SCE's public safety partner notification scripts, it stated the Period of Concern (POC) is attached. However, the POC does not represent the estimated time of de-energization and restoration. The notifications to public safety partners were deemed incomplete. SCE must clearly state in the notifications the estimated time of de-energization and restoration.

2.2) None of the customer notifications included the estimated length of the event, nor the estimated time to power restoration

- c. *If the utility fails to provide advanced notification or notification according to the minimum timelines set forth in these Guidelines, an explanation of the circumstances that resulted in such failure;*

As mentioned in Section II. 2. b. 1) above, except for the May 27 – May 30 report, SCE failed to provide advanced notifications according to the minimum timelines for 11 out of 12 reports. SCE acknowledged these notification failures and provided explanations. For de-energization without any prior notifications, SCE stated it was due to rapid changing weather. For notifications not meeting minimum timelines, SCE stated it was due to either weather or internal coordination issues between grid operations and customer services. See Table 6 under Section II.2.b.1.2) for details.

- d. *A description and evaluation of engagement with local and state public safety partners in providing advanced education and outreach and notification during the de-energization event:*

SCE only briefly described the engagement with local and state public safety partners, SCE did not evaluate how effective the engagement was.

- e. *For those customers where positive or affirmative notification was attempted, an accounting of the customers (which tariff and/or access*

and functional needs population designation), the number of notification attempts made, the timing of attempts, who made the notification attempt (utility or public safety partner) and the number of customers for whom positive notification was achieved;

SCE reported it only tracks critical care customers for positive or affirmative receipt of notification attempts. For each event, SCE reported the number of critical care customers requiring secondary verification and SCE stated it made positive contact with all of them. SED noted several issues:

- 1) SCE did not provide the number of critical care customer notification attempts made. Without this required information, SED cannot determine the effectiveness of SCE's positive notification strategy.
- 2) SCE did not describe the timing of communication with these customers.

- f. *A description of how sectionalization, i.e. separating loads within a circuit, was considered and implemented and the extent to which it impacted the size and scope of the de-energization event.*

SCE described how it used sectionalization to reduce the impact of PSPS event. See more details under Section I.3.f.

- g. *An explanation of how the utility determined that the benefit of de-energization outweighed potential public safety risks.*

SCE provided an explanation for each event that the benefit of de-energization outweighed potential public safety risks. SCE stated "it sets thresholds based on SCE's risk-informed assessment of the potential for a catastrophic wildfire should an ignition occur under the conditions presented. Under such conditions, the harm to life and property resulting from a catastrophic wildfire vastly outweighs the impacts of the deenergization necessary to eliminate the potential of ignition. Additionally, SCE states that it only uses deenergization when no other alternatives will mitigate this fire risk and, to the extent possible, minimizes the impact by limiting the de-energization to the smallest number of customers possible through segmentation of

impacted circuits

- h. *The timeline for power restoration (re-energization,) in addition to the steps taken to restore power as required in Resolution ESRB-8.*

SCE reported the timeline for power restoration. The topics under the restoration timeline varied. Some reports covered the time of patrol initiated and re-energization time for each circuit (for example, November 24 – November 28 event). Other reports covered the time of Incident Commander authorized imminent notifications sent and re-energization time by circuits (for example, December 4 – December 14 event). Some contain general timeline without the patrol time or imminent notification time by circuit (for example, October 23 – October 28 event).

- i. *Lessons learned from the de-energization event.*

SCE did not report lessons learned for each event. For the November 3 – November 7 and December 16 – December 24 events, SCE did not identify any specific lessons learned, but states that it was evaluating lessons from all events and considering improvements. SCE should consider each PSPS event as an opportunity to learn and improve and should conduct after action reviews, including stakeholder/customer input, after each event.

- j. *Any recommended updates to the guidelines adopted in Resolution ESRB-8 and this decision.*

- 1) SCE states that it is not clear if any and all notifications of potential PSPS would be considered to be a false positive, or if this would be limited to instances when a customer receives notification that PSPS is imminent but is not actually de-energized. It also seeks clarification on false negative communications, i.e. de-energizations without 1-4-hour notice. SCE recommends that only (1) imminent de-energization notices (1-4 hours) when de-energization does not take place; (2) imminent re-energization notices when no re-energization took place within the period of time indicated in the notice; or (3) de-energization without any notice be considered in the context of reporting false positive and false negative notifications.

- 2) SCE also believes that the relevant timeframe for assessing the number of customers who received notification but did not get de-energized/re-energized or who were de-energized without notification should be limited to imminent notification made within 1-4 hours of a de-energization event or actual de-energization without notice. It states that weather conditions during PSPS events are dynamic and can change very quickly, and 1, 2, or 3-day advance notifications inherently have significant variability built in.

III. D.20-05-051 - Phase 2 Guidelines

1. *CRCs shall be operable at least 8 AM-10 PM during an active de-energization event, with actual hours of operation to be determined by the local government in cases in which early closure of a facility is required due to inability to access a facility until 10 PM*

SED noted not all the CRCs or CCVs observed the required operation hours and SCE did not provide an explanation. For example:

- For the July 31 – August 4 event, SCE deployed CCV on August 2 from 5 pm to 8:30 pm and August 3, 3 pm to 9 pm. According to the Event Summary and Executive Summary, power shut-off started on August 2, 2020, at approximately 2:15 pm, affecting a total of 17 customers. The CCV was not immediately available when the power was shut off at 2:15 pm. Further, the CCV was not open until 3 pm on August 3. SCE was in violation of the provision on CRCs operation hours between 8 am – 10 pm.
- For the October 23 – October 28 event, the report contains the CRC locations and available hours, which are stated as 9 am – 10 pm on October 26 and 9 am – 12 pm on October 27. However, a footnote states that “CRC/CCV operation coincided with the period of concern in each area, which resulted in actual hours of operation that are different from the CRC/CCV available hours”. SCE did not report the actual hours of operation for each location nor stated why the CCVs and CRCs were not available at 8am.
- For the November 3 – November 7 event, three CRC locations were open from 8 am to 10 pm on November 6, but one CCV was only in operation from 5 pm to 10 pm on that day. SCE did not state why that CCV was not in operation for the full hours.

- For the December 4 – December 14 event, 14 CCVs were opened. For each of them, SCE reported the operation hours. Some of them were closed before 10 pm. SCE did not explain the reason.
2. *Each electric investor-owned utility shall ensure that electric service to impacted service points is restored as soon as possible and within 24 hours from the termination of the de-energization event, unless it is unsafe to do so.*

While SCE provided the explanation whenever it was unable to restore power within 24 hours, SED noted for the November 29 – December 4 event, different restoration dates and times were reported.

Table 8

Circuit name	Restoration time on p15	Restoration time per timeline on p13 & p14
Atento	5:30 pm, Dec. 10	6:30 pm, Dec. 4
Taiwan	3:09 pm, Dec. 11	6:30 pm, Dec. 4

SCE must improve its reporting accuracy and consistency.

3. *Each electric investor-owned utility shall enumerate and explain the cause of any false communications in its post event reports by citing the sources of changing data.*

SCE stated it was seeking CPUC’s clarification on the definition of “false communications” and based its report on its understanding. However, false communications were not completely reported although SCE acknowledged the existence of false communications. For situations when customers were de-energized but did not receive any or timely prior notification, SCE stated some reasons and listed the customer counts by circuits; see details under Section II.2.b. 1.1) for situations when customers were notified of de-energization but ended up not having power shut off. SCE did not enumerate how many notified customers did not have power shut off nor explain the cause for the false communication.

4. *Each electric investor-owned utility shall report on all potential or active de-energization events in its post event reports. These reports shall include*

a thorough and detailed description of the quantitative and qualitative factors it considered in calling, sustaining, or curtailing each de-energization event (including information regarding why the de-energization event was a last resort option) and a specification of the factors that led to the conclusion of the de-energization event.

SCE reported some qualitative factors in calling a PSPS. For all the events, SCE did not provide thorough and detailed quantitative analysis in calling a PSPS and why the de-energization was the last resort.