

November 3, 2022

Rachel Peterson, Executive Director
California Public Utilities Commission
505 Van Ness Avenue
San Francisco, CA 94102
ESRB_ComplianceFilings@cpuc.ca.gov

Re: Lake County Comments on Draft Resolution M-4864

Dear Executive Director Peterson:

Lake County appreciates the opportunity to comment on Draft Resolution M-4864, which proposes to release PG&E from Step 1 of the Enhanced Oversight and Enforcement Process imposed for PG&E's failures to prioritize wildfire risk reduction in its vegetation management work. While PG&E may have improved the vegetation management shortcomings that originally triggered the enhanced oversight process, PG&E is refusing to remove many of the hundreds of thousands of trees it cuts down every year as part of its vegetation management work, and is leaving them to dry out where they fall. In addition to imposing often-significant financial and logistical burdens on customers, this practice substantially increases public safety and wildfire risks. The Commission should examine PG&E's tree and vegetation debris removal practices—not just its policies as they exist on paper—and order corrective actions before releasing PG&E from enhanced oversight.

One of the triggering events for the Enhanced Oversight and Enforcement Process is PG&E's failure to comply with, or insufficient progress toward, any of the metrics set forth in its approved Wildfire Mitigation Plan (WMP) or related to other specified safety performance goals.¹ Both PG&E's 2021 WMP Update, which has been approved, and its 2022 WMP update, which has tentatively been approved, require PG&E to conduct fuel management and reduction of "slash" from vegetation management activities.² Under that requirement, PG&E must undertake fuel management activities that reduce the availability of fuel in proximity to potential sources of ignition (including reduction of live and dead fuel, including slash), must employ risk-informed analyses when determining where and how to perform that work, and must plan for year-over-year improvements.³ PG&E's 2021 and 2022 WMP Updates provide sparse but

¹ Res. M-4852, p. 4.

² PG&E Revised 2021 WMP Update (June 3, 2021), Section 7.3.5.5, p. 704; PG&E 2022 WMP Update, Section 7.3.5.5, p. 647.

³ PG&E Revised 2021 WMP Update, Section 7.3.5.5, pp. 704–705; PG&E 2022 WMP Update, Section 7.3.5.5, pp. 647–649.

optimistic descriptions of PG&E's efforts to remove felled trees and slash created by its vegetation management activities, but the reality is that PG&E is *not* managing the fuel that it creates and is instead leaving a trail of destruction in its wake.

Lake County's residents have experienced this destruction first-hand. PG&E's third-party vegetation management contractors have cut down and trimmed a vast number of trees in the County, both as part of routine and enhanced vegetation management and the drought and beetle-killed tree program. While the County acknowledges and appreciates that PG&E has been removing felled trees and debris in the Cobb area of the County, the trees and slash in other areas have been left on the ground where they fell. The abandoned trees and slash create safety, environmental, and fire hazards; often prevent landowners from fully accessing or using their property; and can impose tens of thousands of dollars—or more—in removal costs on those landowners. As the attached letter from the Rural County Representatives of California (RCRC) and the California State Association of Counties (CSAC) to PG&E CEO Patricia Poppe⁴ shows, Lake County is not the only community that is being impacted by these practices. Many communities, including Lake County, have been told point blank by PG&E that it will not remove the trees it cuts down, either because they belong to the property owner or because PG&E has run out of money to fund removal. The first excuse is easily overcome by allowing property owners to give permission for tree removal; the second is belied by the various memorandum and balancing accounts into which PG&E records its vegetation management costs, which allow PG&E to track and seek recovery of the difference between forecast and actual costs.

PG&E's refusal to abate the fire and safety hazards it is creating with its vegetation management activities is incompatible with the utility's public stance that it is determined to operate safely and be a good corporate citizen in its communities. Not only is it a failure of basic common sense to leave huge quantities of dead fuel on the ground in high fire risk areas, but PG&E itself has stated publicly that wood removal is intended "to reduce wildfire risk created by hazard trees piling up," and that "dead wood constitutes fuel on the ground that not only can catch fire, but also compromises firefighter safety."⁵ The Commission should also remember that this is not the first time PG&E has failed to act reasonably with respect to trees it cuts down. In August 2021, following repeated reports of similar on-the-ground problems, the Commission ordered PG&E to immediately take action to establish a felled tree removal program for customers impacted by PG&E's post-fire system restoration work following the 2020 wildfires and to train its workforce in best practices and appropriate actions in felling and removing trees following wildfires.⁶

By now, PG&E has established a pattern of refusing to clean up after its vegetation management activities until ordered to do so by the Commission. The Commission should not allow PG&E to exit the Enhanced Oversight and Enforcement Program until PG&E's tree and slash removal

⁴ Attachment A, RCRC and CSAC Letter re: PG&E Vegetation Management Practices (October 31, 2022) ("PG&E Letter").

⁵ A.18-03-015, PG&E Amended Testimony, ch. 3, pp. 3-45 (line 15) to 3-48 (lines 15); Attachment A, PG&E Letter, p. 2.

⁶ Attachment B, Executive Director's Letter to PG&E re: Management and Removal of Burned and Felled Wood Following Wildfires (August 24, 2021).

practices (as they exist on the ground, not the sanitized versions that exist on paper) have been scrutinized and addressed.

Respectfully,

DOWNEY BRAND LLP



Megan J. Somogyi
Counsel for Lake County

MJS

cc: Lana Tran (lane.tran@cpuc.ca.gov)
Matthew Yergovich (matthew.yergovich@cpuc.ca.gov)
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Caroline Thomas Jacobs, Director, Office of Energy Infrastructure Safety
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Service List I.19-09-016
Service List R.18-10-007

ATTACHMENT A



October 31, 2022

Patricia K. Poppe
Chief Executive Officer
Pacific Gas and Electric Company
77 Beale Street
San Francisco, CA 94105

RE: PG&E Vegetation Management Practices

Dear Ms. Poppe:

On behalf of the Rural County Representatives of California (RCRC) and the California State Association of Counties (CSAC), we write to (1) request your assistance; (2) convey the grave concerns many of our counties and their residents have expressed about PG&E's vegetation management programs; and, (3) articulate the public safety and wildfire risks created by leaving the felled wood in place.

We appreciate your sincere desire for PG&E to earn back trust from its customers. We strongly support that objective. But we fear PG&E's repeated and widespread refusal to haul away trees cut down during utility vegetation management operations is undermining that effort. We strongly urge you to:

- Immediately begin removing felled wood where requested by the property owner.
- Remove felled wood and wood chips deeper than 4" within 100' of structures.
- Designate representatives whom property owners and local leaders can contact for removal of felled wood.
- Resolve widespread inconsistencies among contractors.
- Improve transparency and accountability among the different vegetation management programs.
- Discontinue misrepresenting public agency roles, responsibilities, and resources.
- Convene a meeting between impacted counties, you, and PG&E's regional Vice Presidents to develop an actionable—and equitable—pathway forward.

Having suffered massive destruction caused year over year by catastrophic wildfires, we understand PG&E's pressing need to step up vegetation management operations to avoid wildfires and reduce the risk of power outages. Unfortunately, PG&E's refusal to remove felled wood is impairing public safety, increasing fuel loads, compromising property

owners' efforts to create and maintain defensible space, and imposing heavy financial burdens on property owners to abate these hazards created by PG&E.

Given the lack of success in these conversations thus far, we resort to asking you to exert your leadership to bring PG&E's contractors, customers, and local elected officials to the table and resolve these issues. We know the challenges PG&E faces in meeting the pace and scale of its vegetation management objectives, but PG&E must do better and be a better neighbor.

PG&E has traditionally removed felled wood cut under its enhanced vegetation management, tree mortality and drought response, and wildfire wood management programs. We were disappointed and alarmed to learn of PG&E's abrupt about-face and refusal to continue removing felled wood. More than a dozen counties have expressed concerns about this course change and the dangers and burdens it creates. This course change is even more confusing considering PG&E's prior acknowledgement that wood removal is intended "to reduce wildfire risk created by hazard trees piling up" and that, "dead wood constitutes fuel on the ground that not only can catch fire, but also compromises firefighter safety."

Felled logs left in place can create a host of safety risks for property owners, firefighting personnel, and communities. As felled trees dry out, they increase the fuel load, thereby exacerbating the risk and severity of wildfires. These concerns are heightened when the trees are felled and left within the 100' defensible space perimeter that property owners are required to maintain. In some cases, property owners who passed defensible space inspections reportedly failed subsequent inspections as a result of trees cut down and left in place by PG&E vegetation management crews. Other risks include trees rolling down slopes into roads, thereby impeding emergency access and egress as well as normal traffic flow. Furthermore, the scattered distribution of felled trees can impede future firefighting efforts. Simply speaking, it is inappropriate for PG&E to externalize risks, costs, and mitigation obligations to property owners for actions it undertakes in the course of providing electric service.

Our counties have repeatedly tried to resolve this issue through normal channels of communication – to no avail. Local PG&E representatives recently presented at Boards of Supervisors meetings throughout your service territory. During those presentations, many elected officials expressed their deep frustration with PG&E's vegetation management programs and the lack of a clear plan for - or commitment to – removal of felled wood as requested by the property owner.

While we appreciate PG&E's concern for landowner's rights to the felled timber, it is often extremely expensive (if not impossible) for the landowner to remove the material after your contractors leave their property. Where crews formerly stacked felled wood in a single location on a property, now contractors often leave the tree where it fell and cut it into unmerchantable 5' or 6' sections. When merchantable (8' length or greater) timber

exists, the value of those materials may help offset some of the removal costs. Unfortunately, most trees were cut into unmerchantable lengths, thereby preventing PG&E and landowners from offsetting tree removal costs and often impeding a homeowner's ability to treat or consume it in the process.

We are also concerned about the misleading and sometimes threatening communications provided to customers about felled wood removal. In some cases, the contractors cutting down trees have told customers that felled wood will be hauled away by another crew at a later date. Months later, the hauling crew still hasn't shown up. There are other cases where property owners who "checked the box" on PG&E's form requesting that felled wood be removed are still waiting for the wood to be hauled away seven months later. In at least one case, this problem is compounded by the fact that the contractor left the wood on his neighbor's property. Even more frustrating for local governments, some contractors have told property owners that P&E will not haul away felled wood, but that the county itself provides that service. This is categorically untrue.

Because of inadequate communication by contractors and contractor reliance on tablets instead of printed materials, impacted property owners often do not know who to contact about problems or who even performed the work on their properties. When property owners reach out to PG&E, the results are often unsatisfactory and, in some cases, unsettling. In at least one case when a property owner attempted to resolve problems by directly requesting PG&E to remove felled wood, PG&E's representative shifted blame and responsibility for cleanup to the property owner and reportedly reminded the property owner that CAL FIRE would be around to do defensible space inspections.

Maintenance of defensible space is a large and expensive enough undertaking for many property owners even without adding costs imposed by PG&E's vegetation management actions. In many cases, large trees were cut down and left within a home's defensible space perimeter. Those customers were told "it's their problem" and that PG&E is not responsible for mitigating or fixing the nuisance and safety risks it creates. Many of these property owners had been in compliance with the state's defensible space laws until PG&E's contractors began working on their properties. Utilities cannot create additional burdens for maintenance of defensible space. *Under no circumstances can contractors be allowed to leave felled wood or accumulated wood chips within the 100' defensible space perimeter around structures.*

Other landowners have had several dozen trees felled by PG&E on small parcels, thereby creating tremendous fuel loads as those trunks and limbs dry out over time. In other cases, we have heard of customers whose property was damaged by contractors' equipment. These are burdens property owners – often on fixed incomes – cannot realistically afford to shoulder.

We look forward to your leadership and assistance to ensure that PG&E is a good neighbor to its customers. As noted above, we strongly urge PG&E to:

- Immediately begin efforts to remove felled wood where requested by the property owner.
- Remove all felled wood and wood chips deeper than 4” within 100’ of structures.
- Designate specific representatives whom property owners and local leaders can contact for removal of felled wood. Those individuals must be empowered to quickly and successfully resolve disputes that may arise.
- Resolve widespread inconsistencies with contractors for greater quality control outcomes on the ground.
- Utilize a single, consolidated form at the customer level for greater transparency among PG&E’s various vegetation management programs.
- Discontinue misrepresenting public agency roles, responsibilities, and resources.
- Direct PG&E regional Vice Presidents to convene a meeting with impacted counties to develop an actionable—and equitable—pathway forward.

Finally, we urge PG&E to track costs associated with tree removal actions and believe those costs should be recoverable through formal regulatory proceedings.

Sincerely,



Mary-Ann Warmerdam
Senior Vice President Governmental Affairs



Jacqueline Wong-Hernandez
Deputy Executive Director, Legislative Affairs

cc: Ronald Richardson, Vice President, North Coast Region, PG&E
Joe Wilson, Vice President, North Valley & Sierra Region, PG&E
Joshua Simes, Vice President, Central Valley Region, PG&E
Alice Busching Reynolds, President, California Public Utilities Commission
Clifford Rechtschaffen, Commissioner, California Public Utilities Commission
Genevieve Shiroma, Commissioner, California Public Utilities Commission
Darcie Houck, Commissioner, California Public Utilities Commission
John Reynolds, Commissioner, California Public Utilities Commission
Caroline Thomas Jacobs, Director, California Office of Energy Infrastructure Safety
Joe Tyler, Director, California Department of Forestry and Fire Protection

ATTACHMENT B

PUBLIC UTILITIES COMMISSION

505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3298



August 24, 2021

TRANSMITTAL BY ELECTRONIC MAIL

Sumeet Singh
Senior Vice President and Chief Risk Officer
Pacific Gas and Electric Company
77 Beale Street
San Francisco, CA 94105

RE: Management and removal of burned and felled wood following wildfires

Dear Mr. Singh:

I write to express the urgency of Pacific Gas and Electric Company (PG&E) taking action regarding the management and removal of trees felled during PG&E's 2020 post-wildfire utility restoration work. I also write to request that PG&E take reasonable, well-executed actions to manage, fell, appropriately cut, and remove trees felled for any post-wildfire restoration efforts for 2021.

I am aware that PG&E has recently initiated a program to remove trees it felled as part of its 2020 post-wildfire restoration. However, it is not clear the extent to which this program is scaled and the extent of the assistance the program would provide. I am specifically requesting that for trees felled as part of PG&E's 2020 post-wildfire restoration, PG&E:

- Immediately and without delay establish a felled tree removal plan for the customers impacted by wildfires in 2020,
- Communicate the plan clearly to impacted county and local governments, tribes, customers, and landowners,
- Ensure close coordination with the California Governor's Office of Emergency Services' (Cal OES) debris management program,
- Consider every possible commercial use for the felled tree once removed, and
- Execute the plan safely, in keeping with local permits and rules, and with high priority.

With regard to the 2021 wildfire season, I expect PG&E to act in a similarly responsible fashion when it begins felling trees for any post-wildfire restoration work it conducts. I expect PG&E to:

- Prepare and train its workforce, including any contractors and subcontractors, for best practices and appropriate actions in felling and removing trees following wildfires,

- Use the established process of notifying the California Public Utilities Commission (CPUC) of the activation of its Catastrophic Event Memorandum Account for wildfires following which this restoration work will occur, with the understanding that PG&E must file a formal application if it elects to seek recovery of the costs from ratepayers for the felling, cutting, and removal work.

Nothing in this letter states any position on whether PG&E will be authorized to collect the costs of removing felled trees in rates from ratepayers. That question will be resolved during formal proceedings before the CPUC. At present, for the safety of Californians, it is urgent that PG&E remove felled trees from the areas affected by the 2020 wildfires in its service territory.

I request that you provide a response to this letter within 14 days providing a description of your plan for addressing the handling of trees felled as part of post-wildfire restoration work for 2020 and 2021.

Sincerely,



Rachel Peterson
Executive Director

CC: President Marybel Batjer, CPUC
Commissioner Martha Guzman Aceves, CPUC
Commissioner Clifford Rechtschaffen, CPUC
Commissioner Genevieve Shiroma, CPUC
Commissioner Darcie L. Houck, CPUC

Service list of Rulemaking 18-10-007, Order Instituting Rulemaking to Implement Electric Utility Wildfire Mitigation Plans Pursuant to Senate Bill 901 (2018).

Caroline Thomas Jacobs, Director
Office of Energy Infrastructure Safety

Thom Porter, Director and Fire Chief
California Department of Forestry and Fire Protection

Mark Ghilarducci, Director
California Governor's Office of Emergency Services