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July 6, 2018

Lana Tran
Safety & Enforcement Division
California Public Utilities Commission
505 Van Ness Avenue
San Francisco, CA 94102

**Re: Reply Comments of the Center for Accessible Technology and The
Utility Reform Network on Draft Resolution ESRB-8 Extending De-
Energization Reasonableness, Notification, Mitigation and Reporting
Requirements in Decision 12-04-024 to All Electric Investor Owned Utilities**

Dear Ms. Tran:

In accordance with the instructions provided in the cover letter to Draft Resolution ESRB-8, issued on May 30, 2018, the Center for Accessible Technology (CforAT) and The Utility Reform Network (TURN) provide these reply comments on issues raised by other commenting parties.

De-Energization Safety Analysis:

CforAT and TURN agree with the Telecommunication Providers that de-energization at times of high fire risk “may remove one potential source of fire ignition” while potentially “creat[ing] or exacerbat[ing] a host of significant risks to public safety.”¹ It is not clear that de-energization reduces the overall risk of wildfires,² and it is beyond

¹Joint Opening Comments submitted by AT&T, Verizon, Sprint, T-Mobile, CCTA, Consolidated, Comcast, Charter, Frontier and CTIA at p. 2.

² While PG&E presumes that de-energization can be used as a method of preventing wildfires, *see* PG&E Comments at p. 1, this assumption is not based on any evidence. On the contrary, the record of A.08-12-021, the proceeding in which D.12-04-024 was issued, contains substantial discussion of how de-energization may prompt behavior that increases fire risk, including use of candles for light, use of barbeques to cook food that will spoil due to lack of refrigeration or because other kitchen appliances cannot be used, and use of personal generators that are used infrequently by people who may not be skilled

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dispute that disruption in energy supply creates risks. Because of the need to consider the increased risks created by de-energization (which are likely to have a disproportionate impact on vulnerable customers such as seniors and people with disabilities), CforAT and TURN support the recommendation of the Telecommunications Providers to address these concerns in a workshop setting and to include consideration of the impact of de-energization on effective emergency communications.³

De-Energization and Telecommunications:

CforAT and TURN agree with the Telecommunications Providers that communication services are vital for protecting public safety, and that these services will be impacted if power is shut off in a community.⁴ As noted in CforAT and TURN's Opening Comments, the broader concerns regarding the interplay between public safety, telecommunications, and fire risk should all be given consideration in developing mitigation plans, but also will likely require Commission consideration as part of an ongoing effort by the Commission to prepare for fire risks beyond the scope of this Resolution process.⁵

Community Outreach:

Each of the IOUs pushes back on the community outreach requirements in the draft resolution, arguing that the requirements should be scaled back, that the requirement for in-person meetings be reduced, or that the time period for conducting community workshops be extended through the peak fire season.⁶ To the extent that communities throughout California are currently at risk of having power shut off during times of high fire risk, the Commission should bolster, not reduce the requirement for the IOUs to engage in community outreach efforts. As noted above, the public safety risks of de-energization are high, even for an informed community, and the information available to date from SDG&E indicates that mitigation efforts during de-energization events have been minimal. While these facts indicate the broad need for further work by the Commission to address fire risk and preparation,⁷ they also show that prompt community

with them. CforAT and TURN are unaware of any studies that actually evaluate the extent to which de-energization may increase or decrease overall risk of wildfire ignition.

³ *Id.* at p. 3. CforAT and TURN note that these risks are exacerbated by the fact that telecommunications providers do not routinely provide battery backup power on customer premises and that they charge for such battery backup power when it is provided. CforAT and TURN urge the Commission to address the issue of backup power as a public safety measure at the earliest possible opportunity.

⁴ Joint Opening Comments at p. 2; *see also* CforAT and TURN Opening Comments at p. 4.

⁵ CforAT and TURN Opening Comments at pp. 4-5.

⁶ SDG&E Comments at p. 3 (workshops are “unnecessary” and “redundant”); SCE Comments at p. 4 (seeking 120 days, or into November, for workshops to be held); PG&E Comments at p. 2 (“in-person meetings are unlikely given the scale of possible events”).

⁷ For example, additional issues regarding de-energization might potentially be addressed in Phase 2 of R.15-06-009, addressing emergency preparation requirements for electric and water utilities, and/or in R.18-03-011 addressing various forms of disaster relief.

outreach now, as part of this resolution process, is extremely important and should not be reduced.

In particular, SDG&E's claim that it does not need additional outreach work to communities and that it can substitute reports from meetings following recent de-energization events⁸ should be rejected. While reports from recent workshops should be provided to both the Commission and the public, it is not reasonable for SDG&E to assert that communities fully understand the issues and risks of de-energization, or that there is no need for updated information based on what was learned during recent events. To the extent that de-energization is expected to be an ongoing issue in California, ongoing communications and refinements to emergency planning will also be needed.

Notice:

The draft resolution requires an IOU to notify SED as soon as practicable once it decides to de-energize an area; SDG&E recommends that this notice be provided when a utility activates its Emergency Operations Center, which precedes a decision to de-energize.⁹ CforAT and TURN support this recommendation if it includes an additional requirement to update SED as soon as practicable upon a decision to actually shut off power to any customers.

The draft resolution also extends SDG&E's existing obligation to provide notice to customers in advance of de-energization to the extent feasible and appropriate, while recognizing that this requirement cannot be absolute. For any de-energization event, CforAT and TURN support diligent oversight as part of any subsequent reasonableness review to ensure that all feasible notice efforts are conducted as required; such a review will necessarily rely on the reporting requirements describing how customers and community representatives were contacted. CforAT and TURN oppose SDG&E's request to limit these reporting requirements.¹⁰

Mitigation, including Assistance Locations and Generators:

In addition to the general requirement that IOUs must provide mitigation to the extent feasible and appropriate whenever power is shut off to any customers, the draft resolution specifically requires the IOUs to ensure that critical facilities have generators or backup power, and to provide community assistance. The IOUs object to these requirements and argue that facilities should be responsible for their own backup plans and that utilities do not have obligations to provide assistance locations.¹¹ While critical facilities do have their own obligations to be prepared for emergencies, de-energization is not a natural disaster. It is a situation created by the energy utility, and thus may not trigger the

⁸ SDG&E Comments at pp. 3-4.

⁹ SDG&E Comments at p. 3.

¹⁰ See SDG&E Comments at p. 2.

¹¹ SCE Comments at pp. 2-3; SDG&E Comments at p. 4; PG&E Comments at pp. 2-3.

availability of resources in the same way as other situations. Because this situation is created by the utility, the utility has a greater responsibility to ensure that critical facilities are prepared than it would in other circumstances. Similarly, while a local government may have plans to open assistance locations in a natural disaster, a decision by the utility to shut off power may not trigger the local government's disaster plan. In such a circumstance, the utility has an obligation to mitigate the risk of harm it is creating through de-energization. This is vital because, without the de-energization event, there would be no need for such mitigation.

Reporting:

The draft resolution requires an IOU to report to SED not only upon de-energization but also after high-threat events where no de-energization takes place; SCE suggests that the trigger for such reporting be clarified as events where the IOU provided notice to local governments and customers of the potential for de-energization.¹² CforAT and TURN support this clarification.

The draft resolution also requires the IOUs to report on complaints received due to de-energization. SCE seeks to minimize this requirement to include only complaints that initially went to the CPUC and were redirected to SCE's Consumer Affairs.¹³ This is not reasonable. All IOUs should be reporting all complaints, formal and informal, that they receive through all channels regarding de-energization. While SCE is likely accurate in noting that complaints will continue to be received beyond the initial 10-day report, this observation means that there should be ongoing, periodic reporting in order to capture all complaints, not that the 10-day report should exclude information.

PG&E, SCE and SDG&E all request that the deadline to report to SED upon restoration of power to the last customer be extended from 30 minutes to 12 hours.¹⁴ While it may be appropriate to provide a reporting window of greater than 30 minutes, the IOUs do not justify their request for a timeline that is 24 times greater than that set forth in the draft resolution. CforAT and TURN propose that this deadline be set to require notification to SED as soon as practicable, but no more than 2 hours after full restoration. This should be supplemented by ongoing status updates and any additional details to be provided in the post-event report.

In addition, CforAT and TURN support the recommendation by the Telecommunication Providers that all reports issued by an energy utility following a shut-off be made available to the public.¹⁵

¹² SCE Comments at p. 2.

¹³ SCE Comments at p. 2.

¹⁴ PG&E Comments at pp. 1-2; SCE at p. 3; SDG&E at p. 3.

¹⁵ Joint Opening Comments at p. 4.

Small Utilities:

While CforAT and TURN recognize that small utilities sometimes require greater flexibility in complying with regulatory requirements than the large IOUs, the requests made by CASMU to minimize the responsibility of its members regarding the requirements in the Draft Resolution go too far. To the extent that small utilities engage in de-energization at all, they must provide timely notice, outreach and reporting. It is not appropriate to allow delayed reporting following a de-energization event until an unrelated annual reporting deadline for other matters.¹⁶ The CASMU members assert that the conditions that may give rise to de-energization are not prevalent in their territories, and that any de-energization event that might take place would not be at a period of peak demand and would affect fewer customers than the large IOUs.¹⁷ While CforAT and TURN appreciate that de-energization in CASMU member territory is less likely to occur, and that it will affect fewer people if it does take place, this does not reduce the risk or impact on those customers if an event does take place and power is shut off. For this reason, if there is an event that requires reporting, it is important for the small utilities to provide timely information to the Commission, consistent with that required of the other utilities. CforAT and TURN do not object to consolidating outreach meetings with other meetings as long as they are clearly publicized as addressing fire preparation and other safety topics. This may require different notice than is generally provided for meetings on utility reliability.

Conclusion:

CforAT and TURN respectfully request that any final resolution adopted by the Commission incorporate the recommendations set forth here and in our opening comments.

Respectfully submitted,

Melissa W. Kasnitz, Legal Director
Center for Accessible Technology

cc: Service List for Draft Resolution ESRB-8

¹⁶ California Association of Small and Multi-Jurisdictional Utilities (CASMU) Comments on Draft Resolution at p. 2.

¹⁷ *Id.* at pp. 3-4.