

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

Order Instituting Rulemaking to Examine  
Electric Utility De-Energization of Power  
Lines in Dangerous Conditions.

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Rulemaking 18-12-005

**NORTHERN CALIFORNIA POWER AGENCY COMMENTS  
ON PHASE 1 SCOPING MEMO AND STAFF PROPOSAL**

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Order Instituting Rulemaking to Examine  
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**NORTHERN CALIFORNIA POWER AGENCY COMMENTS  
ON ASSIGNED COMMISSIONER’S SCOPING MEMO AND RULING**

In accordance with the California Public Utilities Commission (Commission) Rules of Practice and Procedure and the *Assigned Commissioner’s Scoping Memo and Ruling (Phase 1)*, dated March 8, 2019 (Scoping Memo), the Northern California Power Agency (NCPA)<sup>1</sup> offers the following comments. As directed in the Scoping Memo, NCPA’s comments also address the Safety and Enforcement Division’s (SED) recommendations set forth in the Phase 1 Staff Proposal (Staff Proposal) appended to the Scoping Memo. On February 8, 2019, NCPA filed comments on the Rulemaking Order, thereby becoming a party to the proceeding at that time.

**I. INTRODUCTION**

The Scoping Memo outlines key communication and notice issues that will be addressed in Phase 1 of this proceeding. NCPA agrees that notice and communications during any de-energization event is paramount, and supports the Commission’s prioritization of these issues. NCPA also believes that the SED Staff Proposal identifies many – but not all – of the key issues that must be further examined and resolved in the context of Phase 1. As more fully addressed below, NCPA recommends that Phase 1 also include consideration and resolution of the following:

- Clarification regarding the extent to which the rules, framework, and practices associated with investor owned utility (IOU) de-energizations discussed in this proceeding are specific to both distribution and transmission lines, and how each of those power lines are defined;

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<sup>1</sup> NCPA’s members include the cities of Alameda, Biggs, Gridley, Healdsburg, Lodi, Lompoc, Palo Alto, Redding, Roseville, Santa Clara, Shasta Lake and Ukiah, as well as the Bay Area Rapid Transit District, Port of Oakland, the Truckee Donner Public Utility District, and the Plumas-Sierra Rural Electric Cooperative.

- Creating separate and distinct treatment for electric utilities that are either transmission or distribution dependent on IOU power lines that may be de-energized;
- Planning requirements for IOUs to sectionalize power lines – both distribution and transmission lines – to limit collateral de-energizing of power-lines outside of fire areas but necessary to serve critical infrastructure, including communities of publicly owned utilities (POU) and electric cooperatives.

NCPA also recommends that Phase 1 look closely at the myriad common terms that are used throughout the Scoping Memo and Staff Proposal, and ensure that there is a common definition and understanding of what these terms mean, who is impacted, and how does that effect their notification protocols.

**A. The Commission Must Define “Power Lines” as that Term is Used for De-Energization, and Clarify the Distinction Between Transmission and Distribution Lines**

The Scope of Phase 1 must include clear direction and clarification regarding the “power lines” subject to the rules and protocols being addressed herein.<sup>2</sup> Removing any ambiguity regarding the applicability of developed rules is important, as not all “power lines” are the same. The scope and impact of a de-energization event can vary significantly depending on whether the IOU is de-energizing transmission or distribution lines, and how those lines are defined. For example, if the distinction between transmission and distribution lines is based on a 100kV bulk electric system threshold, IOU customers like POUs and electric cooperatives that receive transmission service on 60kV power lines could actually be deemed distribution customers; this may occur since 60kV is commonly seen as a distribution-level voltage even if the POU or electric cooperative is actually a transmission-level customer. While Public Utilities Code<sup>3</sup> section 8386(c)(6) refers to “deenergizing portions of the electric *distribution system*,” the term is not defined in that section, and the wildfire mitigation plans required by section 8386(b) apply more broadly to “electrical lines and equipment.” Neither D.12-04-004, nor Resolution ESRB-8 specifically defined the “power lines” at issue, or the full extent of what was intended relevant to a utility’s authority to shut-off power. Furthermore, the Rulemaking order references the section 8386(c)(6) de-energization protocols, but also notes that “Because of the important role de-

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<sup>2</sup> This issue was also raised by several parties in Opening Comments filed on February 8, 2019; see TURN, p. 13; City and County of San Francisco, p. 3.

<sup>3</sup> Unless otherwise noted, all code section references shall be to the California Public Utilities Code.

energized *power lines* can play in ensuring public safety and the public's keen interest in the impact of de-energization on their communities, the Commission will address the implementation and logistics for de-energization of *power lines* in this proceeding.”<sup>4</sup> There are critically important distinctions between transmission and distribution power lines that warrant separate consideration. As such it is important for any ambiguity regarding the definition of power lines and the applicability of all public safety shut-off (PSPS) rules and procedures contemplated in this proceeding to be resolved in Phase 1.

De-energization of transmission facilities can have further reaching impacts than de-energization of distribution lines, because the former are higher voltage lines. For example, a POU or electric cooperative that receive transmission-level electric service from an IOU could find their entire service territory subject to de-energization, even if the underlying emergency is not directly proximate to the POU/cooperative's service territory. For some POUs and electric cooperatives, which includes members of NCPA, a PG&E transmission line is the sole source of power into their service territory; de-energizing that transmission line would have much further reaching impacts than a distribution line serving only end-use customers. As more fully explained in the next section, this means that the POU or electric cooperative would be faced with *all* of the same planning and notice challenges as the IOU in the event that it is deemed necessary to de-energize a power line. Likewise, since transmission lines include interconnected facilities that extend far beyond just the affected IOU's service territory, any de-energization of these lines would therefore be more widely felt than just within the IOU's own service territory, including by communities that are not even served by the IOU. If the Commission concludes that the de-energization protocols addressed in this proceeding apply equally to IOU transmission and distribution lines, NCPA supports the recommendation of CMUA for the Commission to undertake an analysis that looks more closely at the grid-wide impacts of a transmission-level PSPS and ensure that the results are incorporated into the rules and protocols that are adopted herein.

Furthermore, transmission-level service is distinct from distribution service in that it is governed by interconnection agreements (IA) between the IOU and customer, and subject to rules under the jurisdiction of the Federal Energy Regulatory Commission (FERC). De-energization of these lines could therefore implicate matters that are FERC-jurisdictional, or

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<sup>4</sup> Rulemaking R.18-12-005, pp. 3-4 (emphasis added)

affect existing IAs. Any IOU de-energization protocols, and the Commission's assessment of those protocols, must include consideration of these relationships and their potential implications, as well.

Because de-energization of distribution versus transmission lines can have significantly different impacts and repercussions, it is important for the Commission to define "power lines" as that term is used relevant to de-energization, expressly confirm the scope of the de-energization protocols being addressed in this proceeding in Phase 1. The Phase 1 decision must also include a review of this distinction and address what, if any, different processes and protocols would be necessary depending on the type of PSPS event at issue.

**B. De-energization Protocols Must Recognize the Unique Relationship that IOUs Have with Customers Classified as Transmission Dependent Utilities**

IOU notice and communication protocols must differ depending on the extent to which a "customer" that is subject to a power shut-off is impacted. To that end, IOUs that provide service to transmission-dependent utilities must have a different level of notice and communication for those dependent utilities. If an IOU de-energizes a line that provides power to a POU or electric cooperative, that utility's entire service territory would be impacted, including their own emergency services and communications facilities. The affected utility would need to be able to plan for, and take appropriate steps to prepare its system for a shut-off; this includes mobilizing its own emergency response resources and notifying first responders within its own service territory. The POU must also ensure that all of its own customers – especially those that are most vulnerable in the event of a power-outage – are timely notified. In effect, the POU/cooperative would need to be prepared to do the equivalent of initiating its own de-energization event. To do so, the affected utility would need the same amount of time for coordination and preparation as the IOU. For that reason, it is critically important that the rules, protocols, and definitions developed for such events in this proceeding include a separate and distinct designation for electric utilities that are transmission-dependent on an IOU's facilities.

Due to the extent of the impact on the POU and electric cooperative of an IOU's potential PSPS, it is imperative that the IOU be in early and constant communication with these affected utilities. Notifying these POUs or cooperatives of a potential de-energization event only after the IOU has activated its emergency operations center would not provide these entities sufficient

time to prepare.<sup>5</sup> NCPA does not believe that waiting until the IOU's own emergency resources have been mobilized to notify the POU or electric cooperative is prudent or good public policy. These utility-to-utility discussions must begin at the earliest stages of the IOU's consideration of a possible PSPS. IOUs and the POUs/cooperatives are already working together to address these issues, but formalizing the protocols and procedures between the two utilities would reduce the likelihood of a communications gap and help mitigate potential disasters in communities served by municipal utilities. It is absolutely imperative that communication with these affected utilities start at the same time the IOU begins contemplating the PSPS. This is critical, as it takes the impacted utilities time to prepare for the shut-off; this means not only ensuring that utility personnel are properly staffed and adjust electric distribution systems within the POU's or cooperative's service territory, but also to coordinate with the city's/county's first responders, prepare necessary water storage, create wastewater storage capacity, and notify customers.

NCPA disagrees with the Staff Proposal to the extent that it fails to clearly recognize the need to distinguish between the type of impacted infrastructure. The SED Staff Proposal states that *“as opposed to providing provisions and protocols that differ based on impacted infrastructure (transmission versus distribution), it is recommended that the IOUs shape their protocols based on the impacts to populations across impacted jurisdictions. In the case of transmission line de-energization events, this may require additional coordination with CalOES's State Operations Center.”*<sup>6</sup> Protocols, especially notice and communication protocols, should be designed to reach impacted customers. As noted above, all power-lines are not the same in terms of the customers and facilities they serve. To address this there needs to be a specific basis upon which to make a distinction about the “impacts on populations across impacted jurisdictions,” and one such distinction is clearly the type of infrastructure at issue. Knowing the type of infrastructure involved is a critical element in determining the extent of the impact on customers, and the potential difference in the magnitude of impacts associated with transmission versus distribution de-energization warrant separate consideration. The need to clearly delineate POUs and electric cooperatives that are connected to the IOU's system does not mean that all of the IOU's notice and communication protocols will need to vary. Some of the protocols and provisions the IOU uses would be the same for all “customers,” but the procedures

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<sup>5</sup> See Staff Proposal, p. 2.

<sup>6</sup> Staff Proposal, p. 6.

must also clearly delineate where notifications and responses would differ, depending on the type of power line at issue.

Setting a separate distinction for affected utilities that are transmission dependent on the IOU is also critical in determining whether the de-energization should even take place. A PSPS should be a measure of last resort, and should only be undertaken if it is determined that the PSPS would outweigh the risks of leaving the power lines energized, and only after the IOU has sectionalized its system to minimize any negative impact on customers, agencies, and jurisdictions that will have their power shut-off. The IOU will have information about customers in its own service territory, including information on vulnerable populations and critical infrastructure, that it will use to assess whether de-energizing a certain line is the best course of action. However, the IOU will not have this kind of information about the POU's or cooperatives service territory. Without consulting with and understanding the full impact that the de-energization would have on an affected utility, the IOU cannot possibly make a fully informed decision about the reasonableness of de-energizing its power lines, since doing so would shut-off power to communities the IOU does not directly serve as a distribution utility.

The Staff Proposal states that the “*IOU should retain responsibility for notifying impacted jurisdictions of de-energization events.*”<sup>7</sup> NCPA agrees that the utility should be responsible for making this notification, as the entity that is making the decision of whether to shut-off the power. However, even after fully developed, the notification procedures in the Staff Proposal do not account for the communities and end-users that are **not** IOU customers. For example, an individual in the City of Healdsburg that is not a PG&E electricity customer is unlikely to directly link a notice about a potential PG&E de-energization to their own power being shut-off. There is a substantial variation in how the term “jurisdiction” can be viewed in this context, and only if the POU or cooperative is separately categorized for notification purposes will this distinction be properly recognized.

POUs and electric cooperatives that are subject to de-energization should also be prioritized by the IOU when developing their re-energization protocols. De-energizing transmission sources that can be the sole source of power into the POU's or cooperative's service territory would result in the entire service territory being without power. As such, for the duration of the shut-off, the municipality must maintain police, fire, and other emergency

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<sup>7</sup> Staff Proposal, p. 3.

services with little assurances as to when power will be restored. Because these utilities are so significantly affected, they should be a priority for restoration, and there should be frequent and ongoing communications and updates from the IOU on the expected restoration of the transmission source.

**C. IOUs Should Develop Sectionalizing Plans that can Limit Collateral De-energization of Power Lines During a PSPS Event**

Phase 1 of this proceeding should also address the need for IOUs to develop comprehensive sectionalizing plans that would enable de-energization plans to be executed in a manner that minimizes – to the greatest extent possible – the impact from the shut-off on affected communities. These plans can allow the IOU to limit de-energizing lines outside of fire-threat areas but necessary to serve critical infrastructure, including communities of POUs and electric cooperatives. As it pertains to these POUs and cooperatives that may be affected by an IOU de-energization event, some communities could be spared wide spread power outages if the IOUs have assessed the interconnections of their power lines, and have determined ways to sectionalize their systems ahead of the needed PSPS. When it is necessary to initiate a PSPS, sectionalizing the power lines will serve as important tools to mitigate the overall adverse consequences of a PSPS. NCPA understands that development of sectionalizing plans for an IOU’s entire service would be an involved and likely time-consuming effort. However, the IOUs should be directed to undertake these efforts immediately, and to prioritize development of these plans for those portions of their service territory that are most likely to impact POUs and electric cooperatives, and other critical infrastructure as that term is defined and used in this context.<sup>8</sup>

**D. Updates to CPUC Resolution ESRB-8**

The Staff Proposal states that *“IOUs must clearly articulate their threshold for strong wind events, as well as the conditions (humidity, fuel dryness, temperature) that define “an*

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<sup>8</sup> In its comments on the Rulemaking, NCPA noted that the scope of this proceeding “include a path by which the IOUs can further investigate and report on the expected impacts of de-energization events on various utility lines. Being able to better understand the magnitude of de-energizing certain lines would provide both the utility and affected customers with valuable information that could be used to plan for such an event, and potentially mitigate any adverse impacts. Such an understanding also helps inform the development of the most effective processes for providing notice to impacted customers, as well as planning for re-energization after the event.” This same assessment and review would facilitate IOU efforts to sectionalize their power lines for greater mitigation of potential adverse impacts. (See NCPA February 8, 2019 Comments, p. 2)



*extreme hazard" to allow public safety partners to conduct parallel planning for potential de-energization events," to facilitate situational awareness and allow public safety partners to conduct parallel planning for a de-energization event.*<sup>9</sup> NCPA agrees that the IOUs should have a list of defined criteria that inform their definition of an extreme hazard, but cautions against overreliance on objective criteria when making the final decision of whether or not a PSPS event is warranted. While having the list of criteria can help other entities prepare for a PSPS, including affected POUs and cooperatives, it is important to note that the conditions surrounding the impacted power lines may be significantly different than the conditions present in areas that will be impacted by the PSPS. Furthermore, the final determination of whether or not to de-energize a power line must be based on a combination of the objective criteria, and the subjective assessment of the experts at the scene, which would include an assessment of the risks versus benefits of de-energizing lines.

#### **E. Clarity in Identifying, not just defining, vulnerable communities**

The Staff Proposal includes a detailed list of individuals that should be included as “vulnerable populations,” but also notes that the Medical Baseline designation is the “best available proxy” for the 2019 fire season. The Staff Proposal also includes a list of individuals that should be defined or identified as vulnerable populations.<sup>10</sup> As multiple parties noted in their February 8 opening comments and during the February 19 Prehearing Conference, Medical Baseline does not cover the breadth of vulnerable populations, and other individuals not on Medical Baseline would be considered vulnerable members of the community, as well. However, before notification processes for all vulnerable customers can be identified, there must be a workable mechanism in place to clearly define exactly who these customers are, and where they are located in advance of any emergency event. Phase 1 of the proceeding should include the development of such a protocol in order to ensure that the notice to these impacted customers is successful in the event of an emergency.

## **II. CONCLUSION**

Given the enormity of the impacts that a PSPS can have on critical infrastructure, including the critical infrastructure of a municipality, rural cooperative, or district not directly

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<sup>9</sup> Staff Proposal, p. 1.

<sup>10</sup> Staff Proposal, pp. 3-4

served by an IOU, it is important that the notification protocols the IOU undertakes when considering a de-energization event include specific measures for notifying impacted POUs and cooperatives at the very earliest stages of the process. The Commission should resolve, in Phase 1, how “power lines” will be defined for de-energization purposes and exactly how the rules at issue will be developed vis-à-vis utility-owned distribution and transmission lines; this includes a recognition of the need for some variations in the notice and communication protocols for de-energizing a transmission line. There must also be separate considerations regarding the end-of-line impacts associated with a de-energization that will result in shutting-off the power supply to a POU or cooperative.

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Respectfully submitted,



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