



SRT/eg3 1/17/2019

FILED
01/17/19
04:44 PM

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Order Instituting Rulemaking to Implement
Electric Utility Wildfire Mitigation Plans
Pursuant to Senate Bill 901 (2018).

Rulemaking 18-10-007

**ADMINISTRATIVE LAW JUDGE'S RULING ON WILDFIRE MITIGATION PLAN
TEMPLATE, AND ADDING ADDITIONAL PARTIES AS RESPONDENTS**

Summary

This ruling clarifies the contents of the electrical corporations' Wildfire Mitigation Plans (WMP) and attaches a template the utilities shall use when they submit their plans on February 6, 2019. The ruling also makes clear that electrical corporations that are independent transmission owners (ITO) must file and serve WMPs pursuant to statute and adds the following ITOs as respondents in this proceeding: Citizens Transmission LLC, Startrans IO, LLC, Trans Bay Cable LLC, and Trans-Elect NTD Path 15, LLC. The ruling will also be served on NextEra Energy Transmission, which has already informed the Commission it plans to file a WMP because it is a current applicant to acquire the TransBay cable.

1. Background

Senate Bill (SB) 901 contains a list of 20 elements that the WMPs should contain, codified in Public Utilities Code 8386(c). The parties to this proceeding have exchanged proposed WMP templates, but a few disputes have arisen. The attached template revises the version the electric utility respondents submitted

on January 3, 2019, in response to parties' comments on January 10, 2019. The key revisions require electrical corporations to include the following elements in their WMPs, consistent with SB 901:

1. Plans for wildfire mitigation on transmission infrastructure, in addition to infrastructure for distribution of electricity;
2. Cost estimates for each item in the WMP in order for the Commission to weigh the potential cost implications of measures proposed in the plans¹;
3. Description of planned wildfire mitigation that exceeds existing requirements, either because of "known local conditions" that exceed those standards or other reasons²; and
4. Comparison of current WMP to prior fire prevention plans, so it is clear what new strategies the utility intends to implement.³

A revised template that electric corporations shall use for their WMPs is attached to this ruling as Attachment A. The WMPs shall include the table entitled "§8386(c)(3)(4)(8)(9): Wildfire Mitigation Strategies and Programs," submitted by The Utility Reform Network (TURN) in comments filed

¹ See Order Instituting Rulemaking 18-10-007, at 4 ("The Commission will not consider or approve explicit expenditures in wildfire mitigation plans in this proceeding; *however, in evaluating the proposed plans the Commission may weigh the potential cost implications of measures proposed in the plans.*" (Emphasis added).)

² See Pub. Util. Code § 8386(c)(14) (requiring "Identification of any geographic area in the electrical corporation's service territory that is a higher wildfire threat than is currently identified in a commission fire threat map, and where the commission should consider expanding the high fire threat district based on new information or changes in the environment").

³ See Pub. Util. Code § 8386(c)(5) (requirement of "A discussion of how the application of previously identified metrics to previous plan performances has informed the plan"). Subsection (c)(5) was in the pre-SB-901 version of the statute, making clear that the required comparison between prior plans and the current plan predates SB 901. Thus, SB 901 WMPs should be compared to prior plans.

January 10, 2019 and attached hereto as Attachment B (with one column added). The added column should be titled “Categories: (1) Design and Construction, (2) Inspection and Maintenance, (3) Operational Practices, (4) Situational/Conditional Awareness, and/or (5) Response and Recovery,” so that each identified preventive strategy and program is placed into one of the foregoing categories. The first column of the table should be updated to include all listed elements in Section IV of the WMP template. The table includes information already required in the plans, but provides a helpful overview. Therefore, to the extent electrical corporations submitting their plans have the information for the table in their possession in time for their WMP filing on February 6, 2019, they shall include it in summary form. Such tabular information will allow the Commission, on a pilot basis, to determine whether such information aids in the WMP review process.

2. Discussion

SB 901 makes clear that the Commission may require electrical corporations to include items in their WMPs that are not enumerated in the statute. Public Utilities Code § 8386(c)(20) states that the WMPs shall include 19 listed items and “(20) Any other information that the commission may require.” Further, the list of 19 items in § 8386(c) also encompasses some of the added topics, as noted in the footnotes appended to items 1-4 above. Therefore, it is appropriate to modify the WMP templates.

Citizens Transmission LLC, Startrans IO, LLC, Trans Bay Cable LLC, and Trans-Elect NTD Path 15, LLC own or operate transmission lines subject to

Commission jurisdiction. SB 901 applies to “electrical corporations,”⁴ defined in Pub. Util. Code § 218 as follows:

- (a) “Electrical corporation” includes every corporation or person owning, controlling, operating, or managing any electric plant for compensation within this state, except where electricity is generated on or distributed by the producer through private property solely for its own use or the use of its tenants and not for sale or transmission to others.⁵

ITOs are electrical corporations subject to SB 901. Therefore, they shall comply with the WMP plan requirements in addition to the entities named as respondents in the Order Instituting Rulemaking. This ruling will be served on each of the foregoing entities, along with NextEra Energy Transmission, which is seeking to purchase the TransBay cable.⁶

IT IS RULED that:

1. The electrical corporations named as respondents in this proceeding, as well as Citizens Transmission LLC, Startrans IO, LLC, Trans Bay Cable LLC, and Trans-Elect NTD Path 15, LLC, shall each use the Wildfire Mitigation Plan template attached hereto as Attachment A, and the table attached hereto as Attachment B, when they file their Wildfire Mitigation Plans due on February 6, 2019.

⁴ Pub. Util. Code § 8386(a) (“Each electrical corporation shall construct, maintain, and operate its electrical lines and equipment in a manner that will minimize the risk of catastrophic wildfire posed by those electrical lines and equipment”).

⁵ While there are exemptions in Public Utilities Code Section 218, none apply here. *See* Pub. Util. Code § 218(b)-(e) (self-generation, landfill and digester gas, independent solar energy producers).

⁶ This service has no impact on the merits of NextEra Energy Transmission’s application.

2. Citizens Transmission LLC, Startrans IO, LLC, Trans Bay Cable LLC, Trans-Elect NTD Path 15, LLC each owns and/or operates transmission lines subject to Commission jurisdiction and governed by Senate Bill 901, Public Utilities Code Section 8386(a).

3. Without prejudice to the Commission's decision on NextEra Energy Transmission's application to purchase the TransBay cable, NextEra Energy Transmission will be served with this ruling.

Dated January 17, 2019, at San Francisco, California.

/s/ SARAH R. THOMAS

Sarah R. Thomas
Administrative Law Judge

ATTACHMENT A

SB901 Reference Number	Outline Topic
2	<p>I. Objectives of the plan. The objectives of the plan shall, at a minimum, be consistent with the requirements of §8386(a). Objectives should be categorized by one of the following timeframes:</p> <ol style="list-style-type: none"> 1. Before the upcoming wildfire season, as defined by the California Department of Forestry and Fire Protection (CAL FIRE) 2. Before the next Plan filing with the California Public Utilities Commission (CPUC or Commission). 3. Within the next 5 years.
3	<p>II. Description of the preventive strategy or programs to minimize risk of electric distribution and transmission infrastructure causing wildfires (including consideration of the dynamic climate change risk). Preventive strategies and programs should be categorized by one of the following timeframes:</p> <ol style="list-style-type: none"> 1. Before the upcoming wildfire season, as defined by the California Department of Forestry and Fire Protection (CAL FIRE) 2. Before the next Plan filing with the Commission 3. Within the next 5 years.

10, 11, 14,
15

III. Risk Analysis and Risk Drivers

- A. Methodology for identifying and evaluating enterprise-wide safety risk and wildfire-related risk, and how that methodology is consistent with the methodology used by other electric utilities or electrical corporations. If the risk identification and evaluation methodology is different, this section should explain why.
- B. List that identifies, describes, and prioritizes all wildfire risks and drivers, including all relevant wildfire risks and mitigations that are identified in the Risk Assessment Mitigation Phase (RAMP). To the extent that wildfire risks and drivers have evolved since the applicable RAMP filing, those modified risks and drivers should be addressed in this section, with an explanation of the analysis that led those risks and drivers to be modified from what was presented in the RAMP filing. Each identified risk and associated driver should be attributed to at least one of the following categories: (1) Design and Construction, (2) Inspection and Maintenance, (3) Operational Practices, (4) Situational/Conditional Awareness, and (5) Response and Recovery. Including risk and drivers associated with design, construction, operations and maintenance of equipment and facilities, including topographical and climatological risk factors throughout the service territory.
- C. Description of how the plan accounts for the wildfire risk identified in the RAMP or since the RAMP, if applicable.
- D. Fire-threat evaluation of the service territory to determine whether an expanded High Fire-Threat District (HFTD) is warranted (i.e., beyond existing Tier 2 and Tier 3 areas). This section should include a discussion of any fire-threat assessment of its service territory performed by the electrical corporation. In the event that the electrical corporation's assessment determines the fire-threat rating for any part of its service territory is insufficient (i.e., the actual fire-threat is greater than what is indicated in the CPUC Fire-Threat Map and High Fire-Threat District designations), the corporation shall identify those areas for consideration of HFTD modification, based on the new information or environmental changes. To the extent this identification relies upon a meteorological or climatological study, a thorough explanation and copy of the study should be included.

6, 7, 8, 9,
12

IV. Wildfire Prevention Strategy and Programs

The section should provide a detailed description and approximate timeline of each preventive strategy and program either already implemented or planned for implementation by the electrical corporation to minimize the risk of its equipment or facilities causing wildfires. To the extent applicable and relevant, if an electric utility has completed a Safety Model and Assessment Proceeding (S-MAP) and RAMP as part of its General Rate Case that identifies safety models or programs the electrical corporation has implemented to mitigate wildfire risk, then the models or programs identified pursuant to this section should comport with those identified in the S-MAP proceeding. Each identified preventive strategy or program should: (1) identify whether the program/strategy is existing or new; (2) if existing, identify the proceeding where the program/strategy costs have been subjected to Commission review; (3) if new, identify any memorandum account where related costs are being tracked and provide an explanation of how double tracking is prevented; (4) indicate whether the program/strategy is implemented in compliance with existing regulations or exceeds current regulatory requirements; (5) if a program/strategy is identified as meeting a current regulatory requirement, cite the associated order, rule, or code; (6) describe how the implementation of the program/strategy mitigates one or more of the wildfire risks or drivers identified in the Plan. Additionally, at a minimum, the identified preventive strategies and programs should be delineated into one of the following categories: (1) Design and Construction, (2) Inspection and Maintenance, (3) Operational Practices, (4) Situational/Conditional Awareness, and (5) Response and Recovery.

A. Operational Practices

1. Operational considerations such as blocking reclosers and fast-curve/sensitive relay settings
2. Other special work procedures during Red Flag Warning period or other conditions that presents elevated wildfire risk. If the Plan includes special work procedures during periods of elevated wildfire risk, the Plan should explain how that elevated wildfire risk is determined (i.e., what models, data, or assessments the electrical corporation uses to define elevated wildfire risk).

3. Wildfire Infrastructure Protection Teams

B. Plans for inspection and maintenance of electrical infrastructure. Plans for how to make GIS data about location of electric facilities available to the CPUC and CAL FIRE, including designated contact persons for GIS-related data requests. Data may include, but is not limited to, files showing location of infrastructure, outage maps, vegetation databases, and any other data requested.

C. System hardening (asset management) to achieve highest level of safety, reliability, and resiliency

1. System Design – summary of the programs, investments, strategies, technologies, policies, and procedures that electrical corporation has deployed in the past or that proposes to deploy in the future as part of its effort to prudently manage its mitigation of wildfire risks. To the extent that the electrical corporation system design elements proposed for future deployment, the Plan should indicate when the deployment will begin, how long it will take, and what continual improvement features are built into monitoring and updating systems designs.

2. Equipment Design/Application Focus Areas

3. Structure Design

- 4. Pole Loading
- 5. Conductor
- 6. Protection
- 7. Equipment

D. Vegetation Management Plan

1. Discussion of the overall objectives, strategies, and tactics of the electrical corporation. Address how the electrical corporation has collaborated with local land managers to leverage opportunities for fuel treatment activities and fire break creation, and compliance with other local, state, and federal forestry and timber regulations.
2. Remove at-risk overhanging tree limbs, as feasible (specific criteria may vary by utility). This should include information on how the electrical corporation identifies and determines which vegetation is “at-risk.”
3. Any additional (more than annual) inspections within the HFTD as deemed necessary. This should include information about how (i.e. criteria, protocols, etc.) the electrical corporation determines additional inspections are necessary.
4. Where prudent based on species and environmental conditions, trim vegetation back to 12 feet (or more), in alignment with CPUC General Order (GO) 95, Rule 35, Appendix E guidelines. To the extent that an electrical corporation trims vegetation beyond minimum required clearances required by GO 95 Table 1, “based on species and environmental conditions,” its Plan should describe how (i.e., criteria, data, protocols, studies, etc.) the utility made this determination.
5. Mitigate identified hazard trees. This should include information about how (i.e., criteria, protocols, data, statutes, etc.) the electrical corporation identifies and defines “hazard trees.”
6. Identify reliability/at-risk tree species to trim or remove, where feasible, per location-specific criteria.
7. Assess trees that are tall enough, and have a feasible path, to strike powerlines (rather than inspecting to a pre-determined distance from the powerline).
8. Include a discussion of how the Vegetation Management Plan addresses any risks that may arise from trimming or removing trees, including but not limited to erosion, wind shear, flooding, etc.

	<p>E. Protocols on Situational Awareness and Determination of Local Conditions</p> <ol style="list-style-type: none">1. Meteorological services and advanced situational awareness that meet the electrical corporation's organizational, operational, and public safety program needs. In this section the Plan should include information about protocols for siting weather stations to ensure the network of stations is sufficiently granular to provide the electrical corporation clear knowledge of the local conditions in its service territory. If applicable, this section should include a discussion of the modeling tools the electrical corporation has developed or will develop to utilize this data.2. Deployment and support of situational awareness cameras where practicable. <p>F. Protocols on Public Safety Power Shut-off (PSPS or de-energization)</p> <ol style="list-style-type: none">1. Strategy to minimize public safety risk during high wildfire conditions and details of the considerations2. Outline tactical and strategic decision-making protocol for initiating a PSPS/de-energization (e.g., decision tree).3. Strategy to provide for safe and effective re-energization of any area that was de-energized due to PSPS protocol4. Company standards relative to customer communications, including consideration for the need to notify priority essential services – critical first responders, health care facilities, and operators of telecommunications infrastructure, and water utilities/agencies. This section, or an appendix to this section, should include a complete listing of which entities the electrical corporation considers to be priority essential services.5. Protocols for mitigating the public safety impacts of these protocols, including impacts on first responders, health care facilities, operators of telecommunications infrastructure, and water utilities/agencies. <p>G. Alternative technologies – the exploration of new technologies that will reduce the probability of an ignition event and/or reduce public exposure to a hazardous condition during periods of high fire risk by providing better situational awareness, faster isolation, or minimized energy transfer.</p> <p>H. Post incident recovery, restoration and remediation activities.</p>
--	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

13, 16, 17, 18	<p>V. Emergency Preparedness and Response</p> <ul style="list-style-type: none">A. Provide a general description of the overall emergency preparedness and response planB. Description of how plan is consistent with disaster and emergency preparedness plan prepared pursuant to Public Utilities Code Section 768.6, including<ul style="list-style-type: none">1. Plans to prepare for and restore service, including workforce mobilization (including mutual aid and contractors) and repositioning equipment and employees2. Emergency communications<ul style="list-style-type: none">a. Community outreach, public awareness, and communications efforts before, during, and after a wildfire in English, Spanish, and top three languages in California as determined by United States Census data3. Showing that the utility has an adequate and trained workforce to promptly restore service after a major event, taking into account mutual aid and contractors.C. Customer support in emergencies<ul style="list-style-type: none">1. Protocols for compliance with requirements adopted by the CPUC regarding activities to support customers during and after a wildfire, including:<ul style="list-style-type: none">a. Outage reportingb. Support for low income customersc. Billing adjustmentsd. Deposit waiverse. Extended payment plansf. Suspension of disconnection and nonpayment feesg. Repair processing and timingh. Access to utility representatives
----------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

<p>1, 4, 5, 19</p>	<p>VI. Performance Metrics and Monitoring</p> <ul style="list-style-type: none"> A. Accounting of the responsibilities of the responsible person(s) executing the plan <ul style="list-style-type: none"> 1. Executive level with overall responsibility 2. Program owners specific to each component of the plan B. Description of the metrics to evaluate the performance of the plan and the assumptions that underlie the use of those metrics. The identified metrics should be of enough detail and scope to effectively inform the performance of each preventive strategy and program. C. Discussion of how the application of previously identified metrics to previous plan performance has informed the plan, as applicable D. Description of processes and procedures of the following: <ul style="list-style-type: none"> 1. Monitoring and auditing of the plan including a timeline and scope of monitoring/auditing activities 2. Identifying and correcting any deficiencies in the plan 3. Monitoring and auditing the effectiveness of equipment and line inspections
<p>20</p>	<p>VII. Any other information that the CPUC may require</p> <ul style="list-style-type: none"> A. Cost information (“potential cost implications of measures proposed in the plans”)

(END OF ATTACHMENT A)

ATTACHMENT B

§8386 (c) (3)(4)(8)(9) : Wildfire Mitigation Strategies and Programs

Program/Strategy (§8386(c)(3))	Asset Addressed (Ex: line, poles, etc.) (§8386(c)(3))	Annual Cost (Capital v Expense) (Scoping Memo at 4: "In evaluating the proposed plans the Commission may weigh the potential cost implications of measures proposed in the plans")	Costs Currently Reflected in Revenue Requirement?		Compliance Requirement? (Provide Code/GO Reference) If for Only Part of Budget, Identify the \$ for that Part and Explain Part Not Previously Authorized (§ 8386(f))	Identify any Aspects of Plan/Strategy and Associated Funding That is or Will Be Addressed in Another Case (Identify the Case) (§ 8386(f))	Identify Any Memorandum Accounts Where Costs of Program/Strategy Are Being Tracked and Explain How Double Tracking is Prevented (§ 8386(f))	Previously included in RAMP? (Provide Reference) (§ 8386 (c) (11))	Assumptions Underlying Metric (§ 8386 (c)(4))
			Identify the \$ for that Part of Budget, Identify the \$ for that Part and Explain Part Not Previously Authorized (§ 8386(f))	Identify the \$ for that Part and Explain Part that is Not Compliance that is Not Compliance					
OPERATIONAL PRACTICES									
Blocking Reclosers									
Fast-Curve Settings									
Sensitive Relay Settings									
Red Flag Warning Period									
Wildfire Infrastructure Protection Teams									
Others (list separately)									
PLANS FOR INSPECTION									
(List all inspection plans separately)									
SYSTEM HARDENING									
Pole Loading									
Undergrounding									
Conductor									
Others (list separately)									
VEGETATION MANAGEMENT									
Compliance Related Work (list each separately)									
List of Programs beyond Compliance (list each separately)									
SITUATIONAL AWARENESS									
Weather Stations									
Cameras									
Others (list separately)									