



The Protect Our Communities Foundation
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California Public Utilities Commission
Attn: Caroline Thomas Jacobs, Director
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Sent Via Email (wildfiresafetydivision@cpuc.ca.gov)

Re: The Protect Our Communities Foundation's Reply Comments re Quarterly Reports
Required as Condition of Approval of 2020 WMPs

To Whom It May Concern:

The Protect Our Communities Foundation (PCF) replies to and in support of the opening comments of the Public Advocates Office (Cal Advocates), Green Power Institute (GPI), Mussey Grade Road Alliance (MGRA), and Small Business Utility Advocates (SBUA).

I. THE COMMISSION SHOULD HOLD THE UTILITIES ACCOUNTABLE FOR FAILING TO COMPLY WITH THE COMMISSION'S RISK-RELATED MANDATES IDENTIFIED BY CAL ADVOCATES, GPI, AND MGRA.

Cal Advocates, GPI, and MGRA appropriately raise concerns about the utilities' failure to comply with the Commission's risk related mandates in the utilities' respective quarterly reports, including Guidance-1, Guidance-2, Guidance-4, Guidance-7, Guidance-12, and SDG&E-9.¹ In SDG&E's case, each failure to comply can be traced to SDG&E's longstanding failure to calculate risk reduction per dollar spent for each of its risk reduction activities as required by myriad Commission directives over the course of many years.²

¹ Comments of the Public Advocates Office on the September 2020 Quarterly Reports on 2020 Wildfire Mitigation Plans (September 30, 2020), p. 1, 3; Mussey Grade Road Alliance Comments on 2020 Wildfire Mitigation Plan Q3 Quarterly Report of SDG&E, PG&E, and SCE (September 30, 2020), p. 2, 4; Comments of the Green Power Institute on the WMP Quarterly Reports (September 30, 2020), p. 3-6.

² Detailed explanations of how SDG&E has failed to calculate risk reduction per dollar spent as the Commission has directed are contained in the following filings: *see, e.g.* The Protect Our Communities Foundation Comments on the 2020 Wildfire Mitigation Plans Pursuant to Resolution WSD-001 (April 7, 2020), p. 11-18; The Protect Our Communities Foundation's Comments on Draft Resolutions WSD-002 through WSD-008 (May 27, 2020), p. 4-8; The Protect Our Communities Foundation's Comments on Wildfire Safety Advisory Board's Draft Recommendations on the 2021 WMP Guidelines, Performance Metrics, and Safety Culture (June 15, 2020), p. 4-12; The Protect Our Communities Foundation's Comments on Proposed Roadmap (June 30, 2020), p. 5-11.

Additional support for the deficiencies identified by Cal Advocates, GPI and MGRA consists of the fact that SDG&E based its Quarterly Report on its defective 2019 RAMP Report.³ SDG&E’s failure to calculate risk spend efficiencies (RSEs) in its 2019 RAMP Report, and the inadequate alternatives analysis in SDG&E’s 2019 RAMP Report, comprise two of the “specific deficiencies” in the 2019 RAMP Report that were identified in I.19-11-010/011.⁴ SDG&E’s overreliance on subject matter experts (SMEs), as Cal Advocates calls out in its comments here,⁵ was another.⁶ Thus, by basing its Quarterly Report on its defective 2019 RAMP Report, SDG&E effectively concedes it failed to meet the requirements of Guidance-1 and Guidance-2.

MGRA and GPI also establish that SDG&E has not addressed the deficiencies identified by WSD regarding the relationship between WMP initiatives (ie. inspections, undergrounding, vegetation management, PSPS mitigation).⁷ PCF submits that SDG&E’s inability to address the relationship between its wildfire mitigation plan projects directly results from SDG&E’s failure to calculate risk reduction per dollar spent for all of its risk reduction activities.⁸

II. THE PARTIES’ APPROPRIATE CRITICISM OF SDG&E’S VEGETATION MANAGEMENT PRACTICES COULD BE RESOLVED BY CEQA COMPLIANCE.

All commenting parties addressed the deficiencies remaining with SDG&E’s vegetation management practices.

³ See e.g. San Diego Gas & Electric Company’s Quarterly Report on 2020 Wildfire Mitigation Plan for Q3 2020 (September 9, 2020), p. 5.

⁴ I.19-11-010/011, The Protect Our Communities Foundation Reply in Support of its Proposal Regarding How this Proceeding Should Move Forward in Light of the Directives in D.20-01-002; and Comments on the Joint 2019 Risk Assessment and Mitigation Phase Report of Southern California Gas Company and San Diego Gas & Electric Company (April 6, 2020), p. 26-30 (failure to calculate RSEs); p. 35-37 (inadequate alternatives analysis); D.20-09-004, p. 17 (Finding of Fact 14); see also D.20-09-004, p. 18-19 (Ordering Paragraph 1: ordering the utilities to “address and consider in their next Risk Assessment Mitigation Phase (RAMP) applications, the comments and suggestions by intervenors regarding the 2019 RAMP Report...”).

⁵ Comments of the Public Advocates Office on the September 2020 Quarterly Reports on 2020 Wildfire Mitigation Plans (September 30, 2020), p. 3.

⁶ I.19-11-010/011, The Protect Our Communities Foundation Reply in Support of its Proposal Regarding How this Proceeding Should Move Forward in Light of the Directives in D.20-01-002; and Comments on the Joint 2019 Risk Assessment and Mitigation Phase Report of Southern California Gas Company and San Diego Gas & Electric Company (April 6, 2020), p. 31-32.

⁷ Mussey Grade Road Alliance Comments on 2020 Wildfire Mitigation Plan Q3 Quarterly Report of SDG&E, PG&E, and SCE (September 30, 2020), p. 4 (Guidance 4 & 12); Comments of the Green Power Institute on the WMP Quarterly Reports (September 30, 2020), p. 3-6 (Guidance-7, SDGE-9).

⁸ I.19-11-010/011, The Protect Our Communities Foundation Reply in Support of its Proposal Regarding How this Proceeding Should Move Forward in Light of the Directives in D.20-01-002; and Comments on the Joint 2019 Risk Assessment and Mitigation Phase Report of Southern California Gas Company and San Diego Gas & Electric Company (April 6, 2020), p. 23-26.

Cal Advocates, GPI, and MGRA each demonstrated that SDG&E failed to provide sufficient detail regarding its enhanced inspection programs, as the Commission has required.⁹ Cal Advocates also raises concerns about the data and practices supporting all of the utilities' analysis of at-risk tree species.¹⁰ MGRA points out that SDG&E has presented conflicting data and fails to address tree species as required.¹¹ Additionally, both GPI and SBUA correctly point out that SDG&E has failed to describe a process in which SDG&E incorporates community concerns regarding the environmental impacts of SDG&E's vegetation management activities into its analysis.¹² PCF agrees with the concerns raised and the deficiencies flagged by GPI, MGRA, Cal Advocates and SBUA, as PCF has repeatedly raised concerns about the need for the utilities and the Commission to engage in a multi-directional conversations both generally and with respect to SDG&E's vegetation management practices in particular.¹³

Notwithstanding the jurisdictional issues regarding SDG&E's actions outside of its rights-of-way, SDG&E must comply with the California Environmental Quality Act (CEQA) with respect to its vegetation management program as a whole.¹⁴ If the Commission simply orders SDG&E to comply with CEQA, all stakeholders' concerns regarding SDG&E's and the other utilities' deficient vegetation management practices could be addressed and resolved in a well-established, fair, and legally-required process.¹⁵

⁹ Comments of the Public Advocates Office on the September 2020 Quarterly Reports on 2020 Wildfire Mitigation Plans (September 30, 2020), p. 10-11; Comments of the Green Power Institute on the WMP Quarterly Reports (September 30, 2020), p. 5-7; Mussey Grade Road Alliance Comments on 2020 Wildfire Mitigation Plan Q3 Quarterly Report of SDG&E, PG&E, and SCE (September 30, 2020), p. 7-8.

¹⁰ Comments of the Public Advocates Office on the September 2020 Quarterly Reports on 2020 Wildfire Mitigation Plans (September 30, 2020), p. 4.

¹¹ Mussey Grade Road Alliance Comments on 2020 Wildfire Mitigation Plan Q3 Quarterly Report of SDG&E, PG&E, and SCE (September 30, 2020), p. 5-7.

¹² Comments of the Green Power Institute on the WMP Quarterly Reports (September 30, 2020), p. 6; Small Business Utility Advocates' Comments on the Electric Utilities' First Quarterly Reports (September 30, 2020), p. 6.

¹³ The Protect Our Communities Foundation Comments on the 2020 Wildfire Mitigation Plans Pursuant to Resolution WSD-001 (April 7, 2020), p. 22-28; The Protect Our Communities Foundation's Comments on Proposed Independent Evaluator Listing Criteria (June 10, 2020), p. 10-11; The Protect Our Communities Foundation's Comments on Wildfire Safety Advisory Board's Draft Recommendations on the 2021 WMP Guidelines, Performance Metrics, and Safety Culture (June 15, 2020), p. 15-17; The Protect Our Communities Foundation's Comments on Proposed Roadmap (June 30, 2020), p. 12; The Protect Our Communities Foundation's Comments on San Diego Gas & Electric Company's Remedial Compliance Plan (August 10, 2020), p. 11-14; The Protect Our Communities Foundation's Comments on the Wildfire Safety Division Draft Wildfire Mitigation Plan Compliance Process (October 2, 2020), p. 6.

¹⁴ *Union of Medical Marijuana Patients, Inc. v. City of San Diego* (2019) 7 Cal.5th 1171, 1188, citing CEQA Guidelines § 15378.)

¹⁵ See e.g. The Protect Our Communities Foundation Comments on the 2020 Wildfire Mitigation Plans Pursuant to Resolution WSD-001 (April 7, 2020), p. 22-28; The Protect Our Communities Foundation's Comments on Proposed Independent Evaluator Listing Criteria (June 10, 2020), p. 10-11; The Protect Our Communities Foundation's Comments on Wildfire Safety Advisory Board's Draft Recommendations

As PCF explained in its comments on SDG&E's WMP, no CEQA exemption applies to practices such as SDG&E's extensive and excessive proposed vegetation management practices.¹⁶ If the Commission required SDG&E to comply with its CEQA obligations, the cumulative environmental impacts of the utilities' vegetation practices would be considered holistically, the Commission would be required meaningfully to engage the public and stakeholders, and the utilities would be held accountable for the adverse environmental impacts for which they are responsible.¹⁷ CEQA requires that the public be informed of the environmental consequences of projects before they are undertaken, it obliges the Commission to respond to public comments, and it requires scientific and fact-based decision-making, consideration of alternatives, and implementation of feasible mitigation.¹⁸

III. PCF AGREES WITH CAL ADVOCATES THAT THE COMMISSION SHOULD HOLD SDG&E ACCOUNTABLE FOR VIOLATING D.19-05-039.

PCF continues to support Cal Advocates' recommendation that the Commission should hold SDG&E accountable for violating D.19-05-039 which prohibits SDG&E from proceeding with vegetation management practices unsupported by scientific evidence or other data.¹⁹ As PCF explained in its comments on SDG&E's remedial compliance plan (RCP), SDG&E admitted to violating D.19-05-039 in its RCP when discussing Class A Deficiency SDG&E-13.²⁰ SDG&E's "update" on Class A Deficiency SDG&E-13 in its quarterly report regarding Class B Deficiencies²¹ does not and cannot negate SDG&E's concession in its RCP which revealed continuing violations of D.19-05-039.

on the 2021 WMP Guidelines, Performance Metrics, and Safety Culture (June 15, 2020), p. 15-17; The Protect Our Communities Foundation's Comments on Proposed Roadmap (June 30, 2020), p. 12.

¹⁶ The Protect Our Communities Foundation Comments on the 2020 Wildfire Mitigation Plans Pursuant to Resolution WSD-001 (April 7, 2020), p. 24-25; The Protect Our Communities Foundation's Comments on Proposed Roadmap (June 30, 2020), p. 12.

¹⁷ *Laurel Heights Improvement Assn. v. Regents of University of Cal.* (1988) 47 Cal.3d 376, 392, 394.

¹⁸ See e.g. Cal. Code Regs., tit. 14, § 15064, subd. (b)(1); Cal. Code Regs., tit. 14, § 15126.6; Cal. Code Regs., tit. 14, § 15088; *No Oil, Inc. v. Los Angeles* (1974) 13 Cal.3d 68, 81.

¹⁹ D.19-05-039, p. 29-30 (OP 5); Comments of the Public Advocates Office on the September 2020 Quarterly Reports on 2020 Wildfire Mitigation Plans (September 30, 2020), p. 11; *accord* The Protect Our Communities Foundation's Comments on Draft Resolutions WSD-002 through WSD-008 (May 27, 2020), p. 15, 19-20; The Protect Our Communities Foundation Comments on the 2020 Wildfire Mitigation Plans Pursuant to Resolution WSD-001 (April 7, 2020), p. 22-27; The Protect Our Communities Foundation's Comments on Proposed Independent Evaluator Listing Criteria (June 10, 2020), p. 10-11; The Protect Our Communities Foundation's Comments on Wildfire Safety Advisory Board's Draft Recommendations on the 2021 WMP Guidelines, Performance Metrics, and Safety Culture (June 15, 2020), p. 15-17.

²⁰ The Protect Our Communities Foundation's Comments on San Diego Gas & Electric Company's Remedial Compliance Plan (August 10, 2020), p. 11-14.

²¹ Resolution WSD-002, p. 17-18 (Class A deficiencies must be addressed in Remedial Compliance Plans; Quarterly Reports contain the information required to address Class B deficiencies).

IV. MGRA IDENTIFIES A SERIOUS CONCERN ABOUT SDG&E'S FAILURE TO SATISFY GUIDANCE-9 WHICH MUST BE ADDRESSED AND RESOLVED, ESPECIALLY GIVEN SDG&E'S HISTORY OF FAILING TO COMPLY WITH COMMISSION DIRECTIVES.

MGRA correctly identifies that SDG&E's proposed pilot programs fail to satisfy Condition Guidance-9.²² For example, SDG&E fails adequately to quantify the risk reduction benefits of its woefully inadequate solar plus battery backup pilot which it proposes to expand and provide to medical baseline customers.²³ Nowhere does SDG&E contrast or describe the relationship between the "small" solar systems it provides and the "whole house" fossil-fueled systems it provides; and SDG&E continues to fail to calculate risk spend efficiencies for any of its backup generation programs.²⁴ SDG&E does not and cannot demonstrate that its "Expanded Generator Grant Program" pilot constitutes compliance with D.19-05-039 which required SDG&E to consider "renewables potentially coupled with storage" for backup generation.²⁵ Moreover, in 2019 and in its 2020 WMP, SDG&E pushed forward with fossil-fueled whole house backup generation without making the showing the Commission ordered in D.19-05-039 that its generators will "not create additional significant risk for fire threat."²⁶ Moreover, SDG&E presents no justification for SDG&E's failure to proceed with an alternative to SDG&E's backup generation proposals - whole house solar plus battery backup. Unlike whole house solar plus battery systems for which PCF has advocated, SDG&E's pilot program is not cost effective; and SDG&E has failed to comply with D.19-05-039 before proceeding with fossil-fueled backup generation programs. SDG&E's failure to comply with the Commission's directives in D.19-05-039 on subject matter directly related to SDG&E's presently proposed pilots supports MGRA's comments about the inadequate pilot program evaluation in SDG&E's Quarterly Report and should be carefully scrutinized by the Commission.

Sincerely,

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²² Mussey Grade Road Alliance Comments on 2020 Wildfire Mitigation Plan Q3 Quarterly Report of SDG&E, PG&E, and SCE (September 30, 2020), p. 8.

²³ San Diego Gas & Electric Company's Quarterly Report on 2020 Wildfire Mitigation Plan for Q3 2020 (September 9, 2020), p. 48-49.

²⁴ See e.g. The Protect Our Communities Foundation Comments on the 2020 Wildfire Mitigation Plans Pursuant to Resolution WSD-001 (April 7, 2020), p. 35-39; The Protect Our Communities Foundation's Comments on Draft Resolutions WSD-002 through WSD-008 (May 27, 2020), p. 13.

²⁵ D.19-05-039, p. 12.

²⁶ D.19-05-039, p. 12.