



The Protect Our Communities Foundation
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June 15, 2020

Wildfire Safety Advisory Board
California Public Utilities Commission
300 Capital Mall, 5th Floor
Sacramento, CA 95814

Sent Via Email (wildfiresafetyadvisoryboard@cpuc.ca.gov)

Re: PCF's Comments on Draft Recommendations on the 2021 WMP Guidelines,
Performance Metrics, and Safety Culture

Dear Wildfire Safety Advisory Board:

The Protect Our Communities Foundation (PCF) submits these comments pursuant to the June 2, 2020 email from the Wildfire Safety Advisory Board (the Board) to the service list for R.18-10-007. The comments below address the document entitled Recommendations on the 2021 Wildfire Mitigation Plan Guidelines, Performance Metrics, and Safety Culture, Draft for Public Comment, June 2, 2020. PCF appreciates the Board's thoughtful review of the utilities' 2020 WMPs and the Wildfire Safety Division's (WSD) efforts to date.

While taking important steps forward, the Board's actions do not thoroughly account for or reflect the mandates already imposed upon the utilities by the Commission and by current statutory mandates. Though a herculean effort when considering that the Board has existed for mere months, intervenors like PCF have been involved in not only the 2019 Wildfire Mitigation Plan (WMP) process and the 2020 WMP process, but also in proceedings that the wildfire mitigation statutes deem related to wildfire mitigation, such as utility general rate cases (GRC) and risk assessment and mitigation phase (RAMP) proceedings. PCF has observed the Commission repeatedly ordering the utilities to adhere to safety and risk reduction mandates and utilities then repeatedly ignoring the Commission's orders.

Rather than experience any consequences for the continued failure to comply with Commission decisions including D.14-12-025, D.16-08-018, D.18-12-014, D.19-05-036, D.19-05-039, and D.19-09-051, and related legislative directives contained in the wildfire mitigation statutes and the California Environmental Quality Act (CEQA), the Commission often merely tells the utilities that they should do better next time. Sometimes – as demonstrated by the Commission's recent vote to ratify WSD's revised draft resolutions on the utilities' 2020 WMPs – the Commission even attempts to change the rules to conform the rules to the utilities' misbehavior.

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PCF submits that only when Commission and Legislative mandates are actually enforced and adhered to will California truly be on the path to maximum feasible wildfire risk reduction. PCF requests that the Board revise its recommendations for next year to reflect the utilities' failure to comply with already existing mandates.

I. PCF GENERALLY SUPPORTS THE SPIRIT OF THE BOARD'S RECOMMENDATIONS, BUT MAXIMUM FEASIBLE RISK REDUCTION WILL REQUIRE ENFORCEMENT OF AND ADHERENCE TO EXISTING LEGAL REQUIREMENTS.

PCF generally supports the spirit of the Board's recommendations. In particular, PCF agrees with the Board's suggestions that state and federal rules and requirements should appear more prominently in future WMPs,¹ and that the scientific community should be able to peer review the utilities modeling methods, assumptions, and outputs.² PCF also observes, however, that many of the Board's recommendations are framed as new requirements that should be imposed upon the utilities, when in fact the substance of the recommendations are redundant given the already existing mandates which the utilities have been flouting for years without consequence. The Board's focus on new requirements, while well intentioned and aimed in the right direction, misses the mark of keeping Californians as safe as possible from the risks of catastrophic wildfires caused by the utilities' electrical equipment and irresponsible power shutoff practices. A plethora of requirements, orders, laws, rules, regulations, and standards already exist. The problem consists of the fact that the Commission enables the utilities to flout the applicable requirements, orders, laws, rules, regulations, and standards by failing to impose any consequences for utility recalcitrance.

II. THE UTILITIES HAVE FAILED TO COMPLY WITH THE COMMISSION'S SAFETY AND RISK ASSESSMENT MANDATES.

PCF agrees with the Board's sentiment regarding the importance of conducting an Risk Spend Efficiencies (RSE) analysis for each mitigation measure and regarding the importance of including the consequences resulting from PSPS events in RSE calculations.³ As shown below, the Board's recommendations are already required by statute and prior Commission orders, and should be revised to highlight where its recommendations are already mandated.

¹ Draft 2021 Recommendations, p. 15.

² Draft 2021 Recommendations, p. 29.

³ Draft 2021 Recommendations, p. 5-6 ("The Board recommends that the 2021 WMP Guidelines require utilities to complete a Risk Spend Efficiency (RSE) analysis for each mitigation measure so that each measure can be considered individually, in aggregate, and against each other, to determine the most appropriate wildfire mitigation effort for each circuit section.... [and] that the 2021 WMP Guidelines require the utilities to stop characterizing PSPS events as a solution to lower ignition risk of wildfire in the RSE analysis without considering its consequences. Instead, the 2021 WMP Guidelines should require utilities to factor into their RSE calculations the assumed risk and cost to customers that result from a PSPS event."); *id.* at 19.

PCF also generally agrees with the Board's calls for transparency and details,⁴ a comprehensive risk analysis,⁵ and the Board's observation that all utilities' decision-making must be based on risk reduction determined by scientific study and analysis.⁶ The Board describes these recommendations and observations as going beyond Resolution WSD-002; but, in reality, the Board's recommendations are already required by the Commission's S-MAP and RAMP decisions and thus are already referenced in WSD-002⁷ and mandated by Section 8386.⁸

In addition, PCF agrees with the weight the Board places on the need for citations to peer-reviewed scientific literature and associated scientific works in the vegetation management context specifically.⁹ Here too, however, the Board describes these recommendations as going beyond Resolution WSD-002 when in fact they are already required by the Commission's S-MAP and RAMP decisions and as well as the California Environmental Quality Act (CEQA).

In short, describing RSEs, a comprehensive risk analysis, disclosure of detailed modeling methods and assumptions, transparency, and science-based decision-making as "recommendations" or "issues" may do more harm than the intended good because, as discussed below, the Board's recommendations already flow from pre-existing mandates which remain unenforced.

A. The Commission's S-MAP and RAMP Decisions Already Require Many of the Board's Recommendations.

In R.13-11-006, the Commission adopted "a risk-based decision-making framework, consisting of the Safety Model Assessment Proceeding [S-MAP], the Risk Assessment and Mitigation Phase [RAMP] proceeding, and the filing of annual verification reports consisting of the Risk Mitigation Accountability Report and the Risk Spending Accountability Report."¹⁰

⁴ Draft 2021 Recommendations, p. 27; *see also id.* at 26 (raising the issue "[w]hether the CPUC should require the utilities to disclose modeling methods and assumptions to the public or to an independent scientific advisory panel," stating that "Resolution WSD-002 does not require granular disclosure of the model methods used and assumptions," and recommending that the "2021 WMP Guidelines require the utilities to disclose detailed modeling methods and assumptions").

⁵ Draft 2021 Recommendations, p. 23 ("instead of relying solely on the HFTD maps to determine where to focus mitigation measures, the 2021 WMP Guidelines should require that utilities rely on both infrastructure risk assessment and mapping, and the relationship to the HFTD").

⁶ Draft 2021 Recommendations, p. 26 ("Utility engineers should not make decisions based on assumptions for wildfire mitigation program implementation in the absence of hard science proving the program reduces a known risk unless engineering assumptions are the only known alternative. Rather, utility wildfire mitigation programs must be implemented based on the risk reduction determined by scientific study and analysis.").

⁷ Resolution WSD-002, p. 19-20.

⁸ Pub. Util. Code, § 8386, subd. (c)(11), (12).

⁹ Draft 2021 Recommendations, p. 29.

¹⁰ D.14-12-025, *Decision Incorporating a Risk-Based Decision-Making Framework into the Rate Case Plan and Modifying Appendix A of Decision 07-07-004* (December 4, 2014), p. 54-55 (OP 1).

In approving D.14-12-025, the Commission required the utilities to file comprehensive¹¹ RAMP submissions that contained the following information:

- The utility’s prioritization of the risks it believes it is facing and a description of the methodology used to determine these risks...
- A description of the controls currently in place, as well as the “baseline” costs associated with the current controls.
- The utility’s prioritization of risk mitigation alternatives, in light of estimated mitigation costs in relation to risk mitigation benefits (Risk Mitigated to Cost Ratio).
- The utility’s risk mitigation plan, including an explanation of how the plan takes into account: Utility financial constraints; Execution Feasibility; Affordability Impacts; Any other constraints identified by the utility.
- For comparison purposes, at least two other alternative mitigation plans the utility considered and an explanation of why the utility views these plans as inferior to the proposed plan.¹²

In addition to requiring RAMP reports, D.14-12-025 required at least two Safety Model Assessment Proceedings (S-MAP) for the large energy utilities, so that the Commission and the parties could “explore and analyze each energy utility’s approach to prioritize the risk to safety associated with each utility’s system and services, and the tools or activities that the energy utilities use to manage, mitigate, and minimize those safety risks.”¹³

D.16-08-018, the first decision the Commission issued in the first S-MAP proceeding, highlighted the importance of a cost effectiveness analysis and clarified that calculating risk reduction per dollar “is required by D.14-12-025 and is necessary information for balancing safety with reasonable rates and holding utilities accountable for safety spending,” found that “[p]rioritizing based on cost-effectiveness measures is an important improvement to rate cases and an important step to optimizing portfolios,” concluded that the “utilities’ RAMP filings should include calculations of risk reduction and a ranking of mitigations based on risk reduction per dollar spent,” and ordered that RAMP filings “shall explicitly include calculation of risk reduction and a ranking of mitigations based on risk reduction per dollar spent.”¹⁴

¹¹ D.14-12-025 at 39-40 (Limiting the utility’s RAMP submission to just 10 asset categories may prevent the Commission and interested parties from having a comprehensive view of the utilities potential safety risks, and its plans for addressing those risks. Since the RAMP will provide the first opportunity for parties to see how the utility prioritizes safety in terms of its assets and operations, the RAMP should not be limited to a maximum of 10 asset categories. Accordingly, the utility’s RAMP submission shall include all of its risk assessments and mitigation plans.”).

¹² D.14-12-025, p. 32.

¹³ D.14-12-025, p. 25, 27.

¹⁴ D.16-08-018, *Interim Decision Adopting the Multi-Attribute Approach (Or Utility Equivalent Features) and Directing Utilities to Take Steps Toward a More Uniform Risk Management Framework* (August 18, 2016), p. 187 (Finding of Fact 81, 82), p. 192 (Conclusion of Law 30), p. 196 (OP 8).

D.16-08-018 also concluded that “[p]rioritizing the reduction of safety risks should be geared towards safety risk, and should not include financial interests” and that the utilities “should remove shareholders’ financial interests from consideration in their risk models and decision frameworks. . . .”¹⁵ D.16-08-018 then directed the utilities “to remove shareholders’ financial interests from consideration in their risk models and decision frameworks used to support case expenditure proposals, especially at the operational level, unless the utility can make a good case for an exception in its Risk Assessment Mitigation Phase filing.”¹⁶

Later in the S-MAP proceeding, in D.18-12-014, the Commission adopted a settlement agreement between all of the large utilities, the Public Advocates Office, and several intervenors, which expanded on the requirements of D.14-12-025 and D.16-08-018.¹⁷ Among other things, D.18-12-014 mandates that (1) the utilities “clearly and transparently explain its rationale for selecting mitigations for each risk and for its selection of its overall portfolio of mitigations;” (2) that “[i]nputs and computations... should be clearly stated and defined” and “the sources of inputs should be clearly specified,” (3) that the utilities “use utility specific data” in identifying potential consequences of and frequency of a risk event; (4) that the utilities measure risk reduction provided by a risk mitigation; and (5) that the utilities calculate risk spend efficiency (RSE) “by dividing the mitigation risk reduction benefit by the mitigation cost estimate.”¹⁸ As the OIIs in I.19-11-010/011 explain, the settlement agreement approved in D.18-12-014 “provided a more robust and stronger version of the ten recommended RAMP components than was first introduced in D.16-08-018,” including the requirement “that risk spend efficiency [RSE] calculations for risk mitigations are independent of RAMP risk selection.”¹⁹ Thus, a meaningful cost effectiveness analysis and elimination of shareholder interests in risk-based decision-making has been required by the Commission since 2014, with additional requirements successively imposed in 2016 and 2018.

B. SB 901 Incorporated the Commission’s S-MAP and RAMP Decisions As Legislative Mandates.

SB 901 expressly required the electric utilities “to include all relevant wildfire risk and risk mitigation information” required by the S-MAP and RAMP decisions in the utilities WMPs.²⁰ AB 1054 did not change SB 901’s mandate requiring the utilities to adhere to the S-MAP and RAMP decisions in their respective WMPs.²¹

¹⁵ D.16-08-018, p. 192-193 (Conclusion of Law 36, 37).

¹⁶ D.16-08-018, p. 195-196 (OP 7).

¹⁷ D.18-12-014, *Phase Two Decision Adopting Safety Model Assessment Proceedings (S-MAP) Settlement Agreement with Modifications* (December 13, 2018), Attachment A, p. A-3 (defining Settling Parties).

¹⁸ D.18-12-014, Attachment A, p. A-8, A-12, A-13, A-14, A-17.

¹⁹ I.19-11-010/011, Order Instituting Investigation into the Risk Assessment and Mitigation Phase Submission of San Diego Gas & Electric Company (November 7, 2019), p. 3-4.

²⁰ See D.19-05-036, *Guidance Decision on 2019 Wildfire Mitigation Plans Submitted Pursuant to Senate Bill 901* (May 30, 2019), Appendix A, p. A2.

²¹ Pub. Util. Code, § 8386, subd. (c)(11), (12).

C. SDG&E Has Yet to Comply with the Commission’s S-MAP and RAMP Decisions Including D.14-12-025, D.16-08-018, and D.18-12-014.

Since 2014, when the Commission in D.14-12-025 required a cost effectiveness analysis and required elimination of shareholder interests from risk-based decision-making, SDG&E has filed two RAMP reports, two WMPs, one GRC application, and one petition for modification of that GRC application. In none of these six filings has SDG&E ever fully complied with the requirements in the Commission’s then-applicable S-MAP and RAMP decisions.

1. SDG&E’s 2016 RAMP Report Was Not Required to Fully Adhere to D.16-08-018.

Unlike the other large California electrical UTILITIESs, SDG&E was not required to conform to the full requirements of D.16-08-018 in its 2016 RAMP report.²² SDG&E was exempt from the requirement to conform to the enhanced risk assessment requirements contained in D.16-08-018 when it filed its first RAMP report in 2016.

2. SDG&E’s TY 2019 GRC Application Filed in 2017 Failed to Comply With Then-Current S-MAP and RAMP Requirements.

SDG&E filed its TY 2019 GRC application, which was informed by the 2016 RAMP report, in 2017. In D.19-09-051, the Commission concluded that SDG&E’s application failed to address “the core questions of what spending is proposed to mitigate risks, and how has past spending reduced risk per dollar spent,”²³ and that SDG&E’s faulty risk analysis led to higher costs forecasts and often the analysis could not be used to justify rates:

Since Applicants designate both the risks and the mitigation activities as RAMP-related, and re-evaluated using a risk-based approach and framework, the general result is witness testimony that states that numerous activities are in fact mitigation of key risks, often leading to higher cost forecast. In fact, a considerable portion of the Applicants’ requested increase in revenue requirement is comprised of RAMP-related requests. We find that witness testimony that incorporates RAMP-driven requests identifies the total amounts associated with RAMP, but in many instances, provides little information about the activities themselves. Instead, RAMP-related activities are integrated with O&M and capital requests for each cost center.

²² D.16-08-018, p. 153, 196 (OP 9) (“Because the Sempra utilities...have limited time to file a Risk Assessment Mitigation Phase (RAMP), SDG&E and SoCalGas shall file a RAMP based on its current risk evaluation and risk-based decision-making methodologies, and additional requirements as listed in the ten major components that shall be included in the RAMP filings.”).

²³ D.19-09-051, *Decision Addressing the Test Year 2019 General Rate Cases of San Diego Gas & Electric Company and Southern California Gas Company* (September 26, 2019), p. 23.

Because the RAMP portion in Applicants' requests is not presented as separate and distinct from the non-RAMP portions, our review of funding requests for each cost center was informed by the Applicants' 2016 RAMP Report, but in many instances our decision is not based on risk mitigation...²⁴

Noting that "the Commission's guidance regarding RAMP was limited at the time Applicants submitted their GRC applications," the Commission required SDG&E actually to include risk spend efficiency analyses in future filings and concluded: "We expect RAMP integration in future GRC filings to provide better information on what spending is proposed to mitigate risks and how past spending has reduced risk per dollar spent."²⁵ SDG&E has yet to comply with the numerous orders set forth above.

3. The Commission Found that SDG&E's 2019 WMP Failed to Comply With The Commission's S-MAP and RAMP Decisions.

Nor did SDG&E comply with the Commission's S-MAP and RAMP decisions in its 2019 WMP. The Commission described SDG&E's and the other utilities' risk assessments in the 2019 WMPs as a "black box" which did not meet the Commission's minimum requirements,²⁶ and ordered the utilities in the future to comply with the Commission's S-MAP and RAMP decisions as required by SB 901:

Including such analysis in the WMPs would provide the Commission a transparent and effective way to balance overlapping programs in the WMP and assess which programs are needed and effective. As stated above, the statute requires "all relevant wildfire risk and risk mitigation information that is part of the Safety Model Assessment Proceeding and Risk Assessment Mitigation Phase filings." This quantitative information is relevant, and the process of conducting these analyses may allow stakeholders to better understand the cost effectiveness of proposed mitigations.²⁷

²⁴ D.19-09-051, p. 22.

²⁵ D.19-09-051, p. 21-22 ("...As stated above, the RAMP process continues to be refined and we expect that future RAMP integration in future GRC filings will provide better answers to the core questions of what spending is proposed to mitigate risks, and how has past spending reduced risk per dollar spent. Answers to those questions are not readily available to us here."); *id.* at p. 762 (Conclusion of Law 3, 4).

²⁶ D.19-05-036, p. 29, fn. 42 (Most IOUs "justify inspection and hardening program proposals as being informed by an internal risk assessment. However, that risk assessment is often a black box with insufficient description of the supporting information and rationale for proposed programs. Future filings should provide documentation of the risk analysis used to justify the proposals. A 'trust us, we know what we are doing' approach to risk assessment is not appropriate given recent wildfire activity.").

²⁷ D.19-05-036, p. 29; *id.* at 33 ("We agree with the parties that assessment of risk is essential to determining where to conduct wildfire mitigation, and that the WMPs filed this year do not always show that electrical corporations are targeting the area of greatest risk. We therefore believe steps are necessary

The Commission reiterated its risk related orders in its decision on SDG&E's 2019 WMP:

San Diego Gas & Electric's 2020 Wildfire Mitigation Plan shall use the quantitative risk assessment framework adopted in Decision 18-12-014 in the Safety Model Assessment Proceeding to evaluate and compare the cost effectiveness of each of the mitigations that were under consideration in developing the Wildfire Mitigation Plan. The Wildfire Mitigation Plan shall provide the risk spend efficiency results of the quantitative risk analysis and include an explanation of the Multi-Attribute Variable Framework used and how it was constructed.²⁸

SDG&E, like the other utilities, did not incorporate the Commission's S-MAP and RAMP requirements into its 2019 WMP as required by SB 901.

4. SDG&E's 2019 RAMP Report Failed to Provide the Information Required by D.14-12-025, D.16-08-018, and D.18-12-014.

In its 2019 RAMP Report, SDG&E again failed to comply with the Commission's mandates set forth in D.14-12-025, D.16-08-018, or D.18-12-014.²⁹ SDG&E's 2019 RAMP Report fails to remove shareholders' financial interests from risk assessment decision-making; it fails to describe adequately the risks SDG&E's system poses to the public; it fails to prioritize risk reduction measures based on cost effectiveness; it fails to analyze appropriately how each mitigation measure might actually reduce risk; it fails to include the necessary risk-spend calculations; it fails to use available and informative utility specific data; it fails to meet transparency requirements; and it fails to present adequate alternatives.³⁰ SDG&E did not even attempt to calculate RSEs for half of its risk reduction activities in its 2019 RAMP Report, claiming to calculate RSEs only for "all in-scope non-mandated activities, certain mandated Controls, and all Mitigations whether they were mandated or not."³¹

to ensure that risk is given adequate consideration in next year's WMP filings. A proper risk analysis takes into account where and when the risk of wildfire is greatest...").

²⁸ D.19-05-039, *Decision on San Diego Gas & Electric Company's 2019 Wildfire Mitigation Plan Pursuant to Senate Bill 901* (May 30, 2019), p. 31 (OP 12).

²⁹ I.19-11-010/011, Joint 2019 Risk Assessment and Mitigation Phase Report of Southern California Gas Company (U 904-G) and San Diego Gas & Electric Company (U 902-M) (November 27, 2019) (2019 RAMP Report), SDG&E RAMP A-9-10. All references to "2019 RAMP Report: ____" are to the chapters and page numbers in the 2019 RAMP Report at the lower right corner of each page.

³⁰ 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 (U 904-G) and San Diego Gas & Electric Company (U 902-M) (April 6, 2020), p. 15-40.

³¹ 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

SDG&E's failure to calculate RSEs for all of its risk reduction activities violates D.18-12-014 and the terms of the settlement agreement approved therein to which SDG&E agreed.³² D.18-12-014 required that the utilities measure risk reduction provided by *all* risk mitigations,³³ and that the utilities calculate risk spend efficiency (RSE) "by dividing the mitigation risk reduction benefit by the mitigation cost estimate."³⁴ SDG&E's failure to calculate RSEs for all of their risk reduction activities provides a distorted view of the company's risk assessments and strategies and fails to provide the comprehensive analysis repeatedly required by the Commission.³⁵ SDG&E's failure to even attempt to quantify risk reduction per dollar spent for the majority of their risk reduction activities means, as the Commission has previously recognized, that "no meaningful ranking, prioritization or optimization of risk mitigations is possible, and the Commission's goals and processes set forth in D.14-12-025 are compromised."³⁶ SDG&E's continued failure to prioritize risk reduction measures based on cost-effectiveness as required by D.14-12-025, D.16-08-018 all but ensures that the Commission's safety and risk reduction mandates will not be achieved.

Additionally, SDG&E's 2019 RAMP report does not come close to meeting the requirements in D.18-12-014 that the utilities "clearly and transparently explain its rationale for selecting mitigations for each risk and for its selection of its overall portfolio of mitigations" and that the "methodologies used by the utility should be...logically sound."³⁷ The transparency and logical soundness requirements approved in D.18-12-014 mandate that the utilities' risk assessments be understandable, and the requirements direct the utilities to state clearly and define inputs and computations, and to specify sources of inputs and "all information and assumptions that are used to determine both pre- and post-mitigation risk scores."³⁸

the Joint 2019 Risk Assessment and Mitigation Phase Report of Southern California Gas Company (U 904-G) and San Diego Gas & Electric Company (U 902-M) (April 6, 2020), p. 29; 2019 RAMP Report: SDG&E D-9.

³² I.19-11-010/011, Order Instituting Investigation into the Risk Assessment and Mitigation Phase Submission of San Diego Gas & Electric Company (November 7, 2019), p. 3-4 (the Settlement Agreement approved in D.18-12-014 "provided a more robust and stronger version of the ten recommended RAMP components than was first introduced in D.16-08-018," including "that risk spend efficiency [RSE] calculations for risk mitigations are independent of RAMP risk selection.").

³³ D.18-12-014, Attachment A, p. A-12.

³⁴ D.18-12-014, Attachment A, p. A-13.

³⁵ *See also* D.14-12-025, p. 39-40 (a utility's RAMP submission is required to provide a "comprehensive view of the utilities potential safety risks, and its plans for addressing those risks," and must "include all of [a utility's] risk assessments and mitigation plans")

³⁶ D.16-08-018, p. 182 (Finding of Fact 33: "Without quantifying risk reduction, no meaningful ranking, prioritization or optimization of risk mitigations is possible, and the Commission's goals and processes set forth in D.14-12-025 are compromised.").

³⁷ A.17-10-007/008, The Protect Our Communities Foundation Response to Joint Petition for Modification of D.19-09-051 of Southern California Gas Company (U 904 G) and San Diego Gas & Electric Company (U 902 M) (May 11, 2020), p. 46-47; D.18-12-014, Attachment A, p. A-14, A-17.

³⁸ D.18-12-014, Attachment A, p. A-14, A-17.

Failing to adhere to these transparency mandates unacceptably limits the public’s ability to meaningfully scrutinize the people’s business³⁹ and precludes the Commission’s ability to hold the utilities accountable for how they spend ratepayer funds.⁴⁰ Yet the Commission failed to enforce its pre-existing orders or impose any consequence on SDG&E’s failure to comply. The Board should recognize the Commission’s existing orders, should note that the utilities have failed to comply with preexisting requirements, and should make explicit that its recommendations merely comport with existing requirements that have yet to be enforced.

5. SDG&E’s 2020 WMP Failed to Comply With the Commission’s S-MAP and RAMP Decisions as well as the Commission’s 2019 WMP Decisions.

Like its 2019 WMP, SDG&E’s 2020 WMP fails to meet the Commission’s cost-effectiveness standards, fails to remove shareholders’ financial interests from risk assessment decision-making, and fails to meet transparency requirements. As PCF explained in its comments on the 2019 RAMP Report⁴¹ and its response to the utilities’ petition for modification of D.19-09-051,⁴² SDG&E was not required to conform to the safety requirements mandated by D.16-08-018 in its 2016 RAMP report.⁴³ Although SDG&E no longer has any excuse for failing to provide the mandatory analysis on the effectiveness of mitigation per dollar spent or for failing to remove shareholder interests, in SDG&E’s 2020 WMP SDG&E “utilized the same approach regarding RSEs as it did in its 2019 RAMP,” failing to calculate RSE a number of activities including cost-effective strategies for reducing wildfire.⁴⁴

³⁹ Cal. Const., Art. I, § 3 (“(b) (1) The people have the right of access to information concerning the conduct of the people’s business, and, therefore, the meetings of public bodies and the writings of public officials and agencies shall be open to public scrutiny...”).

⁴⁰ D.20-01-002, *Decision Modifying the Commission’s Rate Case Plan for Energy Utilities* (January 16, 2020), p. 36 (citing to D.14-12-025, p. 10, 43, 52.)

⁴¹ 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 (U 904-G) and San Diego Gas & Electric Company (U 902-M) (April 6, 2020), p. 5; I.19-11-010/011, The Protect Our Communities Foundation 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 (U 904-G) and San Diego Gas & Electric Company (U 902-M) (March 23, 2020), p. 6-7.

⁴² .17-10-007/008, The Protect Our Communities Foundation Response to Joint Petition for Modification of D.19-09-051 of Southern California Gas Company (U 904 G) and San Diego Gas & Electric Company (U 902 M) (May 11, 2020), p. 8.

⁴³ D.16-08-018, p. 153, 196 (OP 9) (“Because the Sempra utilities...have limited time to file a Risk Assessment Mitigation Phase (RAMP), SDG&E and SoCalGas shall file a RAMP based on its current risk evaluation and risk-based decision-making methodologies, and additional requirements as listed in the ten major components that shall be included in the RAMP filings.”).

⁴⁴ SDG&E 2020 WMP, p. 149; 2019 RAMP Report: SDG&E 1-88, 1-89; Wildfire Safety Division Review of the 2020 Wildfire Mitigation Plans, The Protect Our Communities Foundation Comments on the 2020 Wildfire Mitigation Plans Pursuant to Resolution WSD-001 (April 7, 2020), p. 15.

Moreover, SDG&E's continued focus on capital programs evidences SDG&E's continued failure to "to remove shareholders' financial interests from consideration in their risk models and decision frameworks used to support rate case expenditure proposals, especially at the operational level, unless the utility can make a good case for an exception in its Risk Assessment Mitigation Phase filing" as required by D.16-08-018.⁴⁵ The Board's recommendations should emphasize the utilities' failures to comply with current requirements, and should be tailed to assure compliance with existing S-MAP and RAMP requirements as well as last year's WMP decisions.

6. SDG&E's Petition for Modification of D.19-09-051 Skirts Yet Again Compliance With the Commission's S-MAP and RAMP Decisions.

SDG&E failed to comply with the Commission's S-MAP and RAMP decisions in its petition for modification of D.19-09-051. To facilitate the transition from a three-year general rate case (GRC) cycle to a four-year GRC cycle, the Commission in D.20-01-002 identified the years 2022 and 2023 as third and fourth attrition years in SDG&E's test year (TY) 2019 GRC proceeding and directed SDG&E to file a petition for modification of D.19-09-051 - the Commission decision approving SDG&E's rates for 2019, 2020, and 2021.⁴⁶ The Commission ordered SDG&E to include detailed information in its petition for modification, specifically calling for "anticipated Pipeline Safety Enhancement Plan (PSEP) and other capital projects for 2022 and 2023" and sufficient RAMP-related information so as to enable a meaningful evaluation by the Commission and the parties of the companies' requested revenue requirements for 2022 and 2023.⁴⁷ The Commission also emphasized that increasing the length of the GRC cycle requires increased transparency throughout the cycle to hold the utilities accountable:

If the Commission is to accommodate the utilities' suggestions that a four-year cycle requires a more flexible regulatory approach, the utilities must reciprocate by more openly engaging in an ongoing dialog throughout the GRC cycle that enables the Commission to review their activity in a transparent manner and ensure the utilities are held accountable for how they spend ratepayer funds. Again, this will fulfill the Commission's intent that underlies the entire risk-mitigation framework adopted in D.14-12-025.⁴⁸

The need for all the utilities to be more open and transparent applies with even greater force to SDG&E, the only electrical utilities now possessing an initial five year GRC cycle in the transition to from a three year GRC cycle to a four year GRC cycle.⁴⁹

⁴⁵ San Diego Gas & Electric Company Wildfire Mitigation Plan Rev 1 (March 2, 2020) p. 145 (citing to 2019 RAMP Report); D.16-08-018, p. 195-196 (OP 6).

⁴⁶ D.20-01-002, p. 78 (OP 2) & Appendix B.

⁴⁷ D.20-01-002, p. 52-53.

⁴⁸ D.20-01-002, p. 36 (citing to D.14-12-025, p. 10, 43, 52 (Finding of Fact 27)).

⁴⁹ D.20-01-002, p. 55.

Far from increasing transparency, SDG&E's petition for modification failed to include any of the detailed information required by the Commission in D.20-01-002 and precludes any meaningful review by the Commission or the parties. SDG&E's petition for modification not only failed to comply with the Commission's directive to provide detailed information regarding capital projects: the utilities also failed to provide any information about capital projects for 2022 and 2023 at all.⁵⁰

Moreover, despite having been instructed to file detailed RAMP-related information in its petition for modification of D.19-09-051, SDG&E made no effort to update its approach to risk assessment and risk mitigation as required by the Commission's findings in multiple decisions - including D.19-09-051's findings regarding the deficiencies in SDG&E's approach to risk assessment in its TY 2019 GRC application and D.19-05-039's order that SDG&E comply with D.18-12-014 in its 2020 WMP. Instead of complying with the Commission's order to file detailed RAMP-related information in its petition for modification, SDG&E largely relied on the extremely dated RAMP-related information from their 2016 RAMP report that they referenced in their TY2019 GRC application⁵¹ which the Commission already determined was inadequate to justify the companies' requested rates.⁵²

Despite the Commission's conclusions in D.19-09-051 and its express requirements in D.20-01-002 to provide sufficient RAMP-related information to support the Commission's review of the companies' proposed rates for 2022 and 2023, the existence of the 2019 RAMP Report constitutes the only arguably additional risk related information to which SDG&E and SoCalGas refer in their petition for modification. Without the RAMP-related and detailed information regarding capital projects required by the Commission in D.20-01-002, there can be no meaningful review of the need for the companies' proposed capital projects and associated requested rate increases.⁵³ The Board's recommendations should call out the utilities' prior and repeated compliance failures and should recommend the institution of enforcement mechanisms so that Californians can be assured that the utilities will in fact implement existing S-MAP and RAMP requirements as required by law.

⁵⁰ A.17-10-007/008, Petition for Modification, Declaration of Ryan Hom on Behalf of Southern California Gas Company and San Diego Gas & Electric Company in Support of Joint Petition for Modification of D.19-09-051 (April 9, 2020), p. 9, ¶ 26 ("2022 and 2023 direct cost forecasts are not included...").

⁵¹ *Id.* at p. 3.

⁵² D.19-09-051, p. 22.

⁵³ D.16-08-018, p. 182 (Finding of Fact 33: "Without quantifying risk reduction, no meaningful ranking, prioritization or optimization of risk mitigations is possible, and the Commission's goals and processes set forth in D.14-12-025 are compromised.").

III. THE BOARD’S PSPS-RELATED RECOMMENDATIONS SHOULD BE REVISED TO REFLECT EXISTING S-MAP AND RAMP REQUIREMENTS, PAST COMMISSION FINDINGS REGARDING THE DANGERS OF PSPS EVENTS, AND THE NEED FOR THE COMMISSION TO ESTABLISH PSPS STANDARDS.

PCF generally supports the Board’s recommendations regarding PSPS events, but requests certain revisions discussed below. PCF cautions that the Board’s recommendations do not take into account that SDG&E has failed to address the impacts of PSPS events on the public for more than a decade;⁵⁴ and that none of the utilities have ever conducted a risk benefit analysis, much less comply with the Commission’s currently existing S-MAP and RAMP requirements.

A. California’s Utilities, and SDG&E in Particular, Have Failed to Quantify - Much Less to Assess or Address Adequately - the Risks of PSPS Events to the Public As Required By Law.

PCF agrees with the Board’s recommendation that “the 2021 WMP Guidelines require the utilities to stop characterizing PSPS events as a solution to lower ignition risk of wildfire in the RSE analysis without considering its consequences. Instead, the 2021 WMP Guidelines should require utilities to factor into their RSE calculations the assumed risk and cost to customers that result from a PSPS event.”⁵⁵ PCF also agrees with the Board’s statement that “In order to include PSPS reduction in RSE calculations, PSPS as a mitigation measure should be quantified.”⁵⁶ In fact, PCF submits that the Board’s PSPS related recommendations should be clarified to reflect that they already exist as legal mandates. As discussed above, the utilities are required by the Commission’s S-MAP and RAMP decisions to quantify and prioritize *all* risks their operations pose to the public. When the California Legislature mandated that the utilities’ wildfire mitigation plans include the information required by the Commission’s S-MAP and RAMP decisions, it did not exempt PSPS events.⁵⁷

⁵⁴ D.09-09-030, *Decision Denying Without Prejudice San Diego Gas & Electric Company’s Application to Shut Off Power During Periods of High Fire Danger* (September 10, 2009), p. 2 (“SDG&E has not met its burden to demonstrate that the benefits of shutting off power outweigh the significant costs, burdens, and risks that would be imposed on customers and communities in the areas where power is shut off”); *see also* D.19-05-039, p. 12 (requiring SDG&E to consider “renewables potentially coupled with storage” for backup generation; and that “[i]f SDG&E does move forward with a Generator Grant Program, it must make a showing to the Commission that it ensures that the Generator Grant Program will not create additional significant risk for fire threat.”), p. 30 (ordering SDG&E to consider “technologies other than fossil generation that could provide benefits with safety and clearer operation” prior to implementing a generator grant program).

⁵⁵ Draft 2021 Recommendations, p. 20.

⁵⁶ Draft 2021 Recommendations, p. 20.

⁵⁷ Pub. Util. Code, § 8386, subd. (c).

Thus, notwithstanding the Commission’s vote last Thursday on the revisions to draft Resolution WSD-002,⁵⁸ Section 8386 requires that all risks - including the risks resulting from PSPS events – must be properly quantified and prioritized as the Commission’s S-MAP and RAMP decisions require.

PCF submits that the Board’s recommendations will be more effective if revised to clarify they are consistent with already applicable legislative mandates rather than constituting new requirements. PCF also suggests that the Board could best meet the Board’s statutory mandate by recommending that WSD and the Commission adhere to currently-in-effect legislative mandates by enforcing their own already existing requirements.

B. The Board Should Revise its PSPS-Related Language Because PSPS Events Can Increase the Risk of Wildfires.

PCF requests that the Board eliminate the statement that “PSPS reduces risk of wildfire but is undesirable in and of itself.”⁵⁹ In fact, outside the context of already started fires,⁶⁰ the Board’s statement has never been established as generally true.⁶¹ Rather, the Commission has concluded that “the risk of fires from other sources would be multiplied manyfold during a power shut-off event, perhaps surpassing the risk of wind-related power-line fires...,”⁶² and has explained that “[w]hen SDG&E shuts off power, customers will have to use alternative means to light their homes at night, cook their food, and power their appliances, all of which increases the risk of wildfire ignitions,”⁶³ and that PSPS notices “will (1) spur much greater use of generators than typical outages and (2) significantly increase the risk of generator-related fires.”⁶⁴ The Board fails to demonstrate that its assertion that PSPS reduces risk of wildfires is supported by facts or evidence and thus that statement should be eliminated.

⁵⁸ Draft Resolution WSD-002 (Redline Version), p. 18 (instead of requiring UTILITIESs to quantify PSPS risks, the Commission concluded without meaningful analysis that “RSE is not an appropriate tool for justifying the use of PSPS” and that “electrical corporations shall not rely on RSE calculations as a tool to justify the use of PSPS”).

⁵⁹ Draft 2021 Recommendations, p. 20.

⁶⁰ D.18-07-027, *Order Denying Rehearing of Decision (D.) 17-11-033* (July 12, 2018), p. 11 (confirming that SDG&E should have de-energized the line once it knew the Witch Fire had started).

⁶¹ D.09-09-030, p. 46 (“We agree that shutting off power will eliminate many sources of ignition while the power is shut off. However, it is unclear to what extent, if any, there will be a net reduction in the number [of] ignitions.”).

⁶² D.09-09-030, p. 45.

⁶³ D.09-09-030, p. 44; *see also id.* at p. 44-45 (“We see portable generators, grills, hibachis, barbeques and fireplaces (referred to hereafter as ‘other fire sources’ or ‘other sources’) as a much more serious fire risk than SDG&E. The information that SDG&E obtained from the State Fire Marshall shows there were 671 fires caused by generators, grills, hibachis, barbeques, fireplaces, charcoal lighters, and chimneys compared to 343 power-line fires.”).

⁶⁴ D.09-09-030, p. 48.

C. The Board Should Recommend the Commission Establish the Minimum Windspeed and Other Thresholds for PSPS Events.

The Board poses the following question: “What portfolio of wildfire mitigation techniques can reduce the risk of ignition so that the utility is confident to continue serving customers at high wind events of 30, 40, 50, or 60 MPH, or whatever the appropriate threshold is, without having to deenergize.”⁶⁵ PCF agrees with the assumption implicit in the Board’s question: namely, that an appropriate windspeed threshold of some kind should be established. Unfortunately, to date the Commission has failed to establish windspeed or other minimum standards for initiating PSPS events. PCF has repeatedly advocated that two of the following three events must occur before the utilities initiate a power shutoff: (1) National Weather Service Red Flag Warnings, (2) windspeed of 56 miles per hour or greater, and (3) direct field observation of potential fire risk.⁶⁶ SDG&E’s 2019 RAMP Report reveals that SDG&E considers neither Red Flag Warnings nor even an extreme forecast under its own internal Fire Potential Index (FPI) as conditions precedent to shutting off power.⁶⁷ PCF requests the Board expressly recommend the Commission establish windspeed and other appropriate thresholds for PSPS initiation.

IV. PCF SUPPORTS THE BOARD’S VEGETATION MANAGEMENT PRACTICES RECOMMENDATIONS, WHICH ARE REQUIRED BY CEQA.

The Board states that “Resolutions WSD-003, 004, and 005 express concern about the effectiveness of the large utilities’ vegetation management practices,” and “indicate an overall concern about the lack of scientific evidence regarding vegetation management.”⁶⁸ PCF submits that the problem involves not merely a “lack of concern” about science, but extends to a “lack of concern” about following direct orders from regulators.

Last year, in the decision on SDG&E’s 2019 WMP, the Commission ordered SDG&E in its 2020 WMP to “propose detailed guidelines for where a 25-foot post-trim clearance for vegetation management is both feasible and necessary.”⁶⁹ SDG&E did not comply. After reviewing SDG&E’s 2020 WMP, WSD highlighted that “SDG&E’s WMP lacks details with which to evaluate its vegetation management practices, in particular whether and how its ‘enhanced’ vegetation management practices provide incremental risk reduction benefits,”⁷⁰ and determined that SDG&E failed to comply with the Commission’s express orders:

⁶⁵ Draft 2021 Recommendations, p. 36.

⁶⁶ R.18-10-007, Protect Our Communities Foundation Comments on Phase II (August 21, 2019), p. 7.

⁶⁷ 2019 RAMP Report: SDG&E 1-70.

⁶⁸ Draft 2021 Recommendations, p. 29.

⁶⁹ D.19-05-039, p. 30 (OP 6); *see also id.* at 10 (requiring SDG&E to ensure its vegetation management practices are “supported by scientific evidence or other data showing that such clearance will reduce risk under wildfire conditions”).

⁷⁰ Resolution WSD-005, p. 12.

Throughout its WMP, SDG&E expresses an intent to obtain greater clearances than those required or recommended by the Commission. As these vegetation management programs continue to grow in scope, detailed discussion or evidence of the effect of these increased vegetation clearances on utility ignitions remains lacking. Specifically, SDG&E does not detail proposed guidelines for where such a clearance is both feasible and necessary, or scientific evidence or other data showing that such clearance will reduce wildfire risk, as directed in our decision approving SDG&E's 2019 WMP...

SDG&E's WMP does not provide results or analysis of the effectiveness of this measure since implementation of its 2019 WMP, as required by D.19-05-039. Without the ability to understand or even observe an incremental benefit of this increased clearance, it will be difficult to determine the effectiveness of a 25-foot clearance.⁷¹

However, rather than impose any consequence for violating a direct order, WSD gave SDG&E another bite at the apple.⁷² Moreover, in revising draft Resolution WSD-005, WSD goes so far as to repeat without investigating SDG&E's false claim that an indication exists "that a 25-foot post-trim clearance has had a positive impact on wildfire risk."⁷³ No such indication in fact exists. Moreover, while the revisions to WSD-005 modify Condition SDG&E 13 by up-classing it from a less serious deficiency to a more serious deficiency,⁷⁴ WSD simultaneously muddies the waters by deleting the requirement that SDG&E "conduct a study detailing the effect of increased vegetation clearances..."⁷⁵ In light of the revisions to WSD-005, PCF submits that the Board's recommendation "that all utilities coordinate and complete an ongoing study, similar to what is ordered in WSD-005, that would ensure vegetation management practices align with best available science," and that "[t]he research should be reviewed by an independent scientific advisory panel or developed as part of a working group process overseen by WSD," become critical.

The Board's recommendation that a study be conducted and overseen by WSD also comports with the California Environmental Quality Act (CEQA), which requires that the public be informed of the environmental consequences of projects before they are undertaken⁷⁶ and requires scientific and fact-based decision-making.⁷⁷

⁷¹ Resolution WSD-005, p. 38.

⁷² Resolution WSD-005, p. 35-39, Appendix A at A5-A10.

⁷³ See Draft WSD-005 Rev. 1 (Redline Version), p. 47.

⁷⁴ *Ibid.*

⁷⁵ Resolution WSD-005, Appendix A (Redline Version) at A9.

⁷⁶ *No Oil, Inc. v. Los Angeles* (1974) 13 Cal.3d 68, 81.

⁷⁷ Cal. Code Regs., tit. 14, § 15064, subd. (b)(1).

As PCF explained in its comments on SDG&E’s WMP, no CEQA exemption applies to SDG&E’s extensive and excessive proposed vegetation management practices.⁷⁸ Moreover, the Board’s recommendation that the utilities coordinate their efforts also comports with the reality that utilities whose proposals might otherwise consist of “minor public or private alterations in the condition of land, water, and/or vegetation which do not involve removal of healthy, mature, scenic trees”⁷⁹ are not exempt from CEQA because of the cumulative impacts of successive projects by each utility year after year.⁸⁰

PCF also agrees with the spirit of the Board’s recommendation that “the 2021 WMP Guidelines request additional details about the utility’s vegetation management decision-making process and how the utility assesses the tradeoffs between vegetation fuel load versus flammability,” that “Utilities should justify the removal of species, particularly shrubs, that will not reach a height to touch or contact electrical lines,” and that the “2021 WMP Guidelines should also require reporting descriptions of the tree characteristics that justify any ‘at risk’ designation since growth rates for trees vary depending on age and environmental conditions.”⁸¹

PCF suggests that rather than adding new requirements that the Commission has demonstrated it has little interest in actually enforcing, it would be more effective for the Board to emphasize that the level of detail the Board requests is already required as a matter of law. In short, PCF supports the Board’s recommendation that Vegetation Management Practices should be studied and aligned with the best available science as CEQA requires.

⁷⁸ The Protect Our Communities Foundation Comments on the 2020 Wildfire Mitigation Plans Pursuant to Resolution WSD-001 (April 7, 2020), p. 24-25.

⁷⁹ 14 Cal. Code Regs., § 15304, subd. (i) (examples of minor alterations in the condition of land or vegetation “include but are not limited to... (i) Fuel management activities within 30 feet of structures to reduce the volume of flammable vegetation, provided that the activities will not result in the taking of endangered, rare, or threatened plant or animal species or significant erosion and sedimentation of surface waters. This exemption shall apply to fuel management activities within 100 feet of a structure if the public agency having fire protection responsibility for the area has determined that 100 feet of fuel clearance is required due to extra hazardous fire conditions.”)

⁸⁰ Moreover, the CEQA exemption does not apply “where the project may impact on an environmental resource of hazardous or critical concern,” “when the cumulative impact of successive projects of the same type in the same place, over time is significant,” “where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances,” when a project “may result in damage to scenic resources, including but not limited to, trees...within a highway officially designated as a state scenic highway” or when a project “may cause a substantial adverse change in the significance of a historical resource.” 14 Cal. Code Regs., § 15300.2.

⁸¹ Draft 2021 Recommendations, p. 7-8.

V. PCF AGREES REASONABLENESS REVIEWS SHOULD BE THOROUGH; BUT THE BOARD INACCURATELY ASSUMES THAT REASONABLENESS REVIEWS ARE OCCURRING IN THE UTILITIES' GENERAL RATE CASES.

PCF supports the Board's recommendations that staff knowledgeable in wildfire mitigation processes should assist in the reasonableness reviews of utilities' wildfire mitigation expenditures.⁸² Although the Board assumes these reasonableness reviews must occur in the utilities' GRCs, AB 1054 allows the utilities alternatively to file a separate application.⁸³ Moreover, in SDG&E's case at least, neither have occurred. Seeking cost approval thus involves yet another area where legal requires are clear, but where SDG&E has failed to comply with the Commission's orders⁸⁴ and controlling legislative mandates.⁸⁵

Although wildfire mitigation plans were first required by SB 1028⁸⁶ which was effective January 1, 2017, SDG&E did not file its first WMP until February 6, 2019, as ordered by the Assigned Commissioner's Scoping Memo and Ruling in R.18-10-007.⁸⁷ Thus, SDG&E's TY 2019 GRC application did not include expenditures pursuant to SDG&E's 2019 WMP, because SDG&E had not yet created or filed its WMP at the time it submitted its GRC application or presented testimony in its TY 2019 GRC proceeding. In other words, in D.19-09-051 the Commission did not and could not have approved any capital expenditures based on any WMP proposed by SDG&E.⁸⁸ SDG&E also made no attempt to include WMP-related information – or any information about capital projects whatsoever - in its recently-filed petition for modification of D.19-09-051.⁸⁹ Nor did SDG&E detail any separate Commission approval of its proposed WMP capital projects.⁹⁰

⁸² Draft 2021 Recommendations, p. 33-34.

⁸³ Pub. Util. Code, 8386.4, subd. (b)(2) (“In lieu of paragraph (1), an electrical corporation may elect to file an application for recovery of the cost of implementing its plan as accounted in the memorandum account at the conclusion of the time period covered by the plan.”)

⁸⁴ D.19-05-036, p. 38 (“Pursuant to SB 901, the costs of the actions in the WMP will be the subject of review at a later time, in the context of individual GRCs. Thus, nothing in this decision should be interpreted as a determination that those costs are reasonable or that any respondent has acted as a prudent manager. Any provision in a WMP that represents that approval of the Plan constitutes a determination on cost, reasonableness, or prudence is disapproved.”).

⁸⁵ Pub. Util. Code, 8386.4, subd. (b).

⁸⁶ Stats 2016, Ch. 598 (SB 1028).

⁸⁷ R.18-10-007, San Diego Gas & Electric Company's Wildfire Mitigation Plan (February 6, 2019); R.18-10-007, Assigned Commissioner's Scoping Memo and Ruling (December 7, 2018), p. 4.

⁸⁸ D.19-09-051, p. 277 (SDG&E's “GRC application was filed in late 2017 and so the most recent data available at the time of preparing and filing the application or 2016 data.”).

⁸⁹ See A.17-10-007/008, The Protect Our Communities Foundation Response to Joint Petition for Modification of D.19-09-051 of Southern California Gas Company and San Diego Gas & Electric Company (May 11, 2020).

⁹⁰ A.17-10-007/008, Joint Petition for Modification of D.19-09-051 of Southern California Gas Company and San Diego Gas & Electric Company (April 9, 2020).

Thus, neither SDG&E's 2019 WMP nor its 2020 WMP have been considered in the context of SDG&E's TY 2019 general rate case which now addresses 2019, 2020, 2021, 2022, and 2023. Despite never having sought Commission approval for its WMP expenditures, SDG&E nevertheless claims it has spent over \$215 million since late 2019 already.⁹¹ PCF submits that the Board's recommendations and analysis should include the facts concerning SDG&E's blatant and continued disregard of the wildfire mitigation statutes.

As with other Board recommendations discussed herein, PCF submits that focus at this point should be on consequences. In this case, the consequence should be that SDG&E's shareholders – not its ratepayers – should pay for unreasonable expenditures that SDG&E has never even brought to the Commission for approval.

VI. CONCLUSION

In conclusion, PCF commends the Board for accomplishing all that it has accomplished to date. PCF respectfully requests that the Board revise its recommendations to reflect already-existing Commission and statutory directives.

Sincerely,

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⁹¹ SDG&E Advice Letter 3488-E, p. 2.