Diane Conklin
Spokesperson
Mussey Grade Road Alliance
PO Box 683
Ramona, CA 92065

May 21, 2020

Ms. Caroline Thomas Jacobs
Director, Wildfire Safety Division
California Public Utilities Commission, Wildfire Safety Division
505 Van Ness Avenue
San Francisco, CA 94102

Ref: R.18-10-007

Transmittal via email: wildfiresafetydivision@cpuc.ca.gov, Cal Fire, and the R.18-10-007 service list

RE: MUSSEY GRADE ROAD ALLIANCE COMMENTS ON PROPOSED INDEPENDENT EVALUATOR LISTING CRITERIA

Dear Ms. Thomas Jacobs:

As per instructions posted by the Wildfire Safety Division (WSD) on Twitter[1] and on LinkedIn[2], and the CPUC document that these links post to,[3] the Mussey Grade Road Alliance (MGRA or Alliance) provides the following public comment.

1. INTRODUCTION

As we have noted in our previous communications with WSD, the Mussey Grade Road Alliance is a is a grass-roots citizen-based organization established in 1999 that has been active in wildfire safety issues at the CPUC since 2006. Among our initiatives has been the requirement that utilities develop fire prevention plans, that utilities collect ignition data, and that the Commission and Cal Fire develop utility-specific fire hazard maps. MGRA supports the mission of WSD, and has provided input on utility Wildfire Mitigation Plans (WMPs). We also support the mission of the

[1] https://twitter.com/californiapuc/status/1260668751747469314. Downloaded 5/19/2020.
[2] https://www.linkedin.com/posts/californiapuc_the-cpucs-wildfire-safety-division-and-california-activity-6666434442736865280-68LS; Downloaded 5/19/2020.
[3] CPUC Wildfire Safety Division Seeks Public Comment on Proposed Criteria for Safety Evaluators; Undated; https://www.cpuc.ca.gov/uploadedFiles/CPUCWebsite/Content/News_Room/NewsUpdates/2020/WSD_public_comments_042920b.pdf; Downloaded 5/19/2020.

Independent Evaluators (IE) and WSD's efforts to ensure that an adequate pool of IEs is made available.

MGRA comments have been prepared by Joseph W. Mitchell, Ph. D.

2. GENERAL COMMENTS

2.1. Previous MGRA Comments

As a reference, MGRA has attached our CPUC filing "MUSSEY GRADE ROAD ALLIANCE PHASE 2 WORKSHOP COMMENTS" as Appendix A of this document. In this document, we respond to a number of questions posed by the administrative law judge (ALJ) of CPUC proceeding R.18-10-007 regarding the role and qualifications of independent evaluators. This can be found in Section 4 (pp. 9-16). We have also attached our reply to the comments of other parties in "MUSSEY GRADE ROAD ALLIANCE PHASE 2 WORKSHOP REPLY COMMENTS" as Appendix B. Our IE comments are also in Section 4 of this document (pp. 8-10).

The general points raised in our CPUC comment are:

- WSD will need to watch carefully that evaluators are truly independent
- The IE program should offer training and certification to ensure that all evaluators have a basic knowledge of the required scope of IE work, and to ensure that they have a minimum requisite technical background.

2.2. Implementation – Qualifications

The proposed criteria document states that: "Minimum qualifications will be utilized in assessing interested parties. Please refer to Table 1 – Minimum Qualifications Overview for insight to the various categories of minimum qualifications. Minimum qualifications will be assessed on a pass/fail criterion." However, Table 1 attached as the last page of the proposed criteria document is actually titled "Table 1 – Desired Competencies", and is a list of competencies rather than of minimum qualifications, and lacks any pass/fail criteria. This appears to be an error, and it is non-

trivial because it leaves the actual proposed minimum qualifications undefined. In Section 3 we propose additional minimum qualifications for each of the categories.

2.3. Public Comment Period

The proposed criteria document states that "The public and industry stakeholders will have two (2) opportunities to provide comments during the process. (1) The WSD Compliance Branch will provide the draft minimum qualifications for a two-week public review before soliciting submissions for consideration for inclusion on the IE list from interested parties. (2) Upon completion of the coordinated review with CAL FIRE, the draft IE list will be posted for a two-week public review."

The due date for public comment (as per announcements on LinkedIn and Twitter) is May 21, 2020. Unfortunately, WSD does not appear to have adequately met its own requirement for a two week public review period:

- The announcement of the proposed criteria and due date are not clearly stated on the Wildfire Safety Division website.
- The aforementioned Twitter and LinkedIn postings occurred on May 13, which is only one week from the May 21st deadline.
- While the link to the proposed criteria document directs to a document on the CPUC "Newsroom", we have not found a corresponding link to it anywhere on the CPUC website.
- Previous solicitations for public input have been posted to the CPUC service list R.18-10-007, which is concerned with the development and enforcement of wildfire mitigation plans. This is important because most key stakeholders are on this service list. No posting to this service list was made.
- One of the primary purposes of this rubric is to define a set of minimum IE qualifications. However, no proposal for minimum qualifications is found in the document. Rather, Table 1 lists "Desired Competencies", which is quite different from "minimum qualifications", which the proposed criteria state "will be assessed on a pass/fail criterion."

On May 14th, MGRA sent an email inquiry to WSD requesting further information regarding the posting and copying the R.18-10-007 service list, requesting clarification. No response to this email has been received.

It is essential that WSD enable and encourage public input and transparency, and that it uphold the processes required by statute and by its own internal rules (as well as CPUC rules until its independence is finally achieved).

To compensate, we recommend that WSD consider late-served input on the IE qualifications, and that it solicit additional public input on any revised draft.

3. COMPETENCIES

As mentioned previously, Table 1 currently consists of "desired competencies", while the guiding language of the document seeks to establish "minimum qualifications," to "be assessed on a pass/fail criterion". Both of these are useful standards. MGRA therefore suggests that Table 1 be expanded to include "minimum qualifications" that set the minimum level of "competency" for each category.

Also missing from the document is a statement of what the criteria would be for the *number* of categories that an IE is supposed to show competency in. It will be virtually impossible to identify any single person that would have a sufficient level of competency in all the required categories. Therefore, WSD guidance should specify whether by IE WSD means an organization or group that hires IEs, and which therefore can cover all required competencies, or whether an IOU may contract with multiple individual IEs in order to span all of the categories that need to be covered in a WMP audit. MGRA recommends that any given IE contributor would show core competencies in at least two of the required categories.

Qualifications should be in terms of both appropriate education level and adequate work experience in the field of expertise. How much work experience should be required will vary from category to category, and WSD should solicit opinion from experts in each domain as to how much experience would be required for IE auditing responsibilities. In our suggestions, we have left this open by specifying "N years" of experience, and "N-M years" for experience in a subcategory.

Individual categories are discussed below:

3.1. Grid Design and System Hardening

Recommended Minimum Qualifications: B.S. in power, mechanical, or electrical engineering, or related field. Minimum N years of work experience at electrical utility or an electrical utility regulatory agency.

3.2. Vegetation Management and Inspections

Recommended Minimum Qualifications: BS in forestry or certified arborist. N years work experience with N-M years with utility tree-trimming experience.

3.3. Asset Management and Inspections

Recommended Minimum Qualifications: B.S. in power, mechanical, or electrical engineering, or related field. Minimum N years of work experience at electrical utility or an electrical utility regulatory agency

3.4. Risk Assessment and Mapping

The proposed Competencies do not adequately address the need to understand utility wildfire risk. The proposed competency is: "Interpretive skills considering climate data in conjunction with ecological and cultural landscapes." While climate issues, ecology, and cultural issues are important for this category, they are secondary. Most important is that the IE candidate have a firm understanding of wildfire science and the engineering aspects of utility ignition drivers.

Recommended Competencies: "***Understanding of environmental variables driving wildfire ignition and growth. Engineering understanding of utility ignition drivers.*** Interpretive skills considering climate data in conjunction with ecological and cultural landscapes."

Recommended Minimum Qualifications: B.S. in natural resources, geography, fire engineering, or related field. N years of experience in fire services (specifically wildland

firefighting) or work experience with fire or wildfire science. Working technical knowledge of GIS tools.

3.5. Resource Allocation Methodology

Recommended Minimum Qualifications: B.S. in economics, risk management, business, or related field. N years work experience in estimating risk/spend efficiencies and business prioritization.

3.6. Data Governance

The suggested competencies: "Comprehensive, efficient, timely reporting capabilities that can be shared amongst interest groups" do not have clearly defined meanings.

Recommended Competencies: Knowledge of data management best practices. Working knowledge of databases and queries. Demonstrated ability to define metrics and do statistical data analysis.

Recommended Minimum Qualifications: BS or equivalent work experience in field related to data management, including computer science and statistics. N years experience defining metrics, working with databases or designing data structures, and data analysis.

3.7. Grid Operations and Operating Protocols

Recommended Minimum Qualifications: B.S. in power, mechanical, or electrical engineering, or related field. Minimum N years of work experience at electrical utility or an electrical utility regulatory agency.

3.8. Situational Awareness and Forecasting

The suggested competencies: "Technical field and educational experience in Engineering, Biological, and Natural Resources" are not well suited to accurate weather forecasting, or in interpreting data related to situational awareness, such as satellite imagery, camera data, or weather station data.

Recommended Competencies: Knowledge of meteorology, weather modelling, and interpretation of weather data derived from ground, optical, and satellite data.

Recommended Minimum Qualifications: BS in meteorology or related engineering discipline. N years experience in running and interpreting predictive weather models and collecting or interpreting weather data.

3.9. Emergency Planning and Preparedness

Recommended Minimum Qualifications: N years experience in emergency planning or emergency management at a public agency or major private company or organization.

3.10. Stakeholder Cooperation and Community Engagement

Recommended Minimum Qualifications: N years experience with community outreach, spanning organizations, communities, and agencies.

4. CONCLUSION

MGRA appreciates the opportunity to provide public comment on issues related to Independent Evaluator qualifications.

Respectfully submitted this 21st day of May, 2020,

By: __*/S/*____***Diane Conklin***_____

Diane Conklin
Spokesperson
Mussey Grade Road Alliance
P.O. Box 683
Ramona, CA 92065
(760) 787 – 0794 T
(760) 788 – 5479 F
dj0conklin@earthlink.net

APPENDIX A

MGRA PHASE 2 WORKSHOP COMMENTS

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 R.18-10-007 (Filed October 25, 2018)

MUSSEY GRADE ROAD ALLIANCE PHASE 2 WORKSHOP COMMENTS

Diane Conklin, Spokesperson
Mussey Grade Road Alliance
P.O. Box 683
Ramona, CA 92065
Telephone: (760) 787-0794
Email: dj0conklin@earthlink.net

Dated: November 6, 2019

1. INTRODUCTION

Pursuant to the October 10, 2019 ruling by Administrative Law Judge Thomas inviting parties to file and serve comments on topics raised during the September 17-19th WMP workshops,[1] and the ALJ's October 25th Email Ruling granting Will Abram's request for an extension to November 6th,[2] the Mussey Grade Road Alliance (Alliance or MGRA) files these comments in response to ALJ Thomas's questions and topics raised in the workshops. To the extent that some of our positions and analysis of these topics have already been included in MGRA's Phase 2 Comments[3] and MGRA Supplemental Comments[4] we will refer to those documents. MGRA has also served data requests on PG&E, SCE, and SDG&E, which are attached to this filing. To the extent that these are responsive to the ALJ's questions we will cite these in the document.

Due to the 25 page limit, MGRA will not respond to questions for which we have no specific information or opinion to add. The numbering scheme will be based on the outline in the Ruling.

2. A. UTILITY PLANS

2.3. Risk Reduction Metrics

> "*How do you measure the amount that wildfire risk is reduced by each Wildfire Mitigation Plan initiative? Which measure(s) (e.g., covered conductors versus undergrounding, right-of-way clearance versus hazard tree removal, etc.) reduce wildfire risk the most? How do you account for and measure the aggregate impact on wildfire risk reduction when multiple mitigation measures are implemented on or around the same assets (e.g., increased vegetation*

[1] R.18-10-007; ADMINISTRATIVE LAW JUDGE'S RULING REQUESTING COMMENTS ON WORKSHOPS IN PHASE 2; October 10, 2019. (Ruling)
[2] R.18-10-007; E-MAIL RULING GRANTING ABRAMS MOTION FOR EXTENSION; October 25, 2019.
[3] R.18-10-007; MUSSEY GRADE ROAD ALLIANCE COMMENTS ON PHASE 2; August 21, 2019. (MGRA Phase 2 Comments)
[4] R.18-10-007; MUSSEY GRADE ROAD ALLIANCE SUPPLEMENTAL COMMENTS ON PHASE 2; September 6, 2019.

clearance in the same areas where covered conductors are installed)? …"[5]

There are two basic approaches to wildfire reduction metrics: 1) predictive measurements based on theoretical models and prior data, and 2) data collected after the improvements are made. Metrics that have been discussed in the proceeding and would be useful in this regard are vegetation contact data, fire ignition data, and outage data. Translating any of these into a wildfire risk metric (and determining what a "wildfire risk metric" means) will require a theoretical model and assumptions, and the Commission should ensure that utilities explicitly define and then adopt common definition of terms, assumptions, and models.

MGRA has long argued for collection of wind speed measurements in association with the above data, and not merely Fire Potential Index (FPI) data, since this allows the measurement of the resiliency of utility infrastructure to stressing events that will also accompany extreme fire weather, even when fire weather conditions are not extreme.[6] In general, as IOUs implement wildfire mitigation and take corrective actions to reduce vulnerability of their systems to wind stress, one would expect that impacts of wind on ignitions, vegetation contact, and outages would be measurably reduced.

The ALJ's question illuminates the important fact that when multiple mitigation strategies are implemented simultaneously it will be harder to unambiguously determine the cause of any measurable risk reduction. In this case, the determination must be made by 1) theoretical models based on prior data without the conflating mitigations or 2) phased implementation of mitigation strategies in different locations at different times. For instance, a more stringent EVM policy might be first implemented in different areas than where the first covered conductor is deployed, and then vegetation-related outages could be measured during periods of high winds.

2.4. Near Miss Incidents

How do you monitor ignition and near-miss incidents in your service territory before versus after the implementation of each

[5] Ruling, pp. 2-3.
[6] MGRA Phase 2 Supplemental Comments; pp. 1-3.

Wildfire Mitigation Plan initiative? What differences do you observe in those incidents or their occurrence after implementation of mitigation measures in your plans? What near-miss incidents do you monitor?

MGRA maintains that "near miss" incidents should not be isolated to events with high FPI.[7] Including "near miss" incident from high wind events without other characteristics that generate high FPI (low humidity, low fuel moisture) allows system vulnerabilities to be exposed under "safe" conditions. This would allow the collection of a broader base of data. Also, if the utilities engage in PSPS some "near misses", such as line slap, may not be identified because the utility infrastructure is de-energized.

2.6. Adjustments to Wildfire Mitigation Plans / Evaluation and Public Input

What specific adjustments to the Wildfire Mitigation Plan guidelines would improve utility Wildfire Mitigation Plans and/or facilitate better evaluation and public input?

The Commission should continue to front load and analyze important topics well before the Wildfire Mitigation Plans are due, as it has done with the present Phase 2. This has worked well and should continue into future WMP review and revision cycles.

The Commission should continue the current emphasis on metrics until usable and comparable metrics exist for all utilities and mitigation measures. Once a set of metrics has been established, the Commission should start the process of analyzing cost/benefit and risk/benefit relationships between cost of mitigations and their effectiveness. This has been wholly lacking in the WMP proceedings to date. This topic is particularly critical in terms of comparing mitigations to PSPS. De-energization can substitute for a wide range of mitigations but brings with it significant societal costs and risks and applied does not provide a long-term solution to the problems with California's electric infrastructure. Furthermore, the pubic, consisting of ratepayers and taxpayers alike is losing patience with half measures that rely on power shut-offs that appear willy-nilly in

[7] Id. and MGRA Phase 2 Comments; p. 10.

their application. In the longer term, the shut-off proceeding R.18-12-005 needs to be re-integrated back into the WMP discussion, but only if the process remains a public discussion.

With regard to public input, given the current guidelines provided by AB 1054, this may well be the very last of the substantive public input to ever go into Wildfire Mitigation Plans in California, particularly in light of the migration of their development to a public agency with no adjudicatory history or framework. This is the worst of outcomes in terms of a legislative "fix" (unless one adopts the thesis that utilities should be regulating their own safety[8]) and will not be tolerated in the long term by Californians. If future public contributions will be voluntary and unpaid it will severely limit input from professional witnesses and law-trained staff, and there seems to be no requirement that public input be addressed in any way even for those who offer it. Furthermore, while safety guidelines will be generated by the AB 1054 process, how to pay for them and cost/benefit issues will not be, since ratemaking duties will remain with the Commission. The Commission needs to determine how this handshake mechanism will work. For stakeholders who are harmed by decisions coming out of WMPs, the California court system may be the sole recourse unless a public participation mechanism equivalent to that set up for the CPUC is put into place. Having to sue the State of California as sole recourse to influence the application of utility fire regulations would be a terrible burden to place onto fire victims and those adversely impacted by utility decisions.

The CPUC must stand up to the plate and regulate IOUs with regard to fire safety to the full extent it is capable under current law. The failure of whole sections of California's electrical grid is apparent for all to see and is an embarrassment for the world's 5th largest economy, not to mention agonizing for those affected by fires and power shut-offs.

---

[8] San Jose Mercury News; "How PG&E fell 10 years behind San Diego on wildfire safety"; Paul Rogers; November 2, 2019.
"Many are asking why the Public Utilities Commission, made up of five people appointed by the governor, didn't force PG&E to make the same improvements that San Diego Gas & Electric chose to make.
Catherine Sandoval, who was a PUC commissioner from 2011 to 2017, said under state law utilities are required to run a safe system, so the impetus was on PG&E.
'Legally, the responsibility for operation of the grid is with the utility,' said Sandoval, now a law professor at Santa Clara University. 'The PUC is not the grid operator.'…
Activists say that view ignores the need for regulatory oversight.
'That philosophy is completely wrong,' said Diane Conklin, a San Diego activist who has pushed utilities to improve fire safety for the past 20 [sic] years. 'We are substituting the judgment of a corporate entity that is arranged to make profit and saying, 'You guys are responsible for our safety.' That is wrong. Taxpayers look to the PUC to regulate the utilities.'"

3. METRICS

3.7. List of Proposed Metrics

List of proposed metrics. Parties shall meet and confer to revise the list of metrics the Commission's Public Advocates Office (Cal Advocates) compiled…

MGRA attended the meet and confer session led by Cal Advocates, and has offered a minor revision to its proposed metric, and provided this to Cal Advocates.

With regard to utility proposed metrics, MGRA is concerned that data filters limiting outage events to those occurring when FPI is elevated will potentially be biased by PSPS and will reject data that would be useful regarding the response of utility infrastructure to wind events.[9]

Also we note that the SCE definition of "wire down" is different than the definition used by SDG&E and PG&E, and includes wires that are hanging.[10] Utility metrics should use a common definition for wire down events.

PG&E, SCE, and SDG&E also track cause information differently for wire-down events.[11] This is confusing and reduces effectiveness of regulation. It would be useful if common categories could be found to either replace utility cause information or map existing utility cause information into a set of agreed common classifications.

3.12. Fire Potential Index

Should utilities develop Fire Potential Indices (FPI) that are comparable, rather than maintaining their own individual FPIs that govern what action they take to mitigate wildfire? Why or why not?

The answer to the first question is an uncategorical "yes".

---

[9] MGRA Phase 2 Supplemental Comments; p. 3.
[10] See Attachment A – Data Request Responses; pp. 1-3.
[11] Id; pp. 4-7.

Reasons are:

- Citizens of California have a right to equal access to safe and reliable electricity. Allowing individual utilities to essentially make regulatory decisions that impact safety makes resident safety contingent upon the utility territory in which they reside, which is unfair and unwise.
- While there are different types of climate and vegetation zones within each utility's territory, many of these climate and vegetation zones cross utility service area boundaries. Coastal valley chaparral does not have different fire behavior if it is "SCE chaparral" or "SDG&E chaparral".
- In order to adequately analyze a utility's wildfire mitigation plan and associated metrics, those doing the analysis should have some familiarity with how the metrics are determined. If a different method needs to be learned for each utility's WMP this places a much greater burden on the Wildfire Safety Division and other parties to provide meaningful analysis and input.
- Having different FPIs for each utility makes it extremely difficult to compare metrics from one utility to the other.

3.13. FPI Standards, Vetting, and Verification

Should FPIs be vetted and verified by an independent third party? Why or why not? Should there be regional FPIs (e.g., mountain, coastal, desert, Wildland Urban Interface (WUI), etc.) developed that can be used consistently across utilities? Why or why not?

Rather than have utility FPIs be vetted or verified by a third party, it would be better if a common FPI that applies to all utilities is approved by CALFIRE and be open to public scrutiny and expert input. Such an FPI could be derived from an index currently in use, such as NFDRS, or a new product developed collaboratively using standard fire science and tailored for any special utility requirements. A common FPI could be developed by an SMAP-like process with input from CALFIRE.

FPIs have regional components, vegetation components, and weather-specific components.[12] The best FPI would show the statistically most significant correlations between historical fire propagation patterns and FPI index, and this is one criterion that may be used to judge between models.

In the case that a common FPI cannot be developed, it would be necessary to have FPIs vetted and verified. This could be done by independent third parties or could be developed by an SMAP-like process that incorporates party expert opinion.

3.14. Working Group

Would a working group process similar to that used in the Safety Model Assessment Process (SMAP) context and described at the workshop be useful in the Wildfire Mitigation Plan context? Give specific recommendations.

A working group similar to SMAP could be useful in determining definitions, methods, and practices that are shared in common across utilities. Collaborative process such as SMAP would be particularly applicable in cases where standard methods are unavailable or where standard methods are not optimized for the particular needs of California utilities. In the case where there is a clear standard that utilities should be following that is supported by fire agencies or best utility practice, it may be acceptable for the Commission to specify the methodology to be adopted in a Decision. However, if the problems faced by California utilities merit special consideration and external standards are inapplicable, then instead the Commission would be best served by defining the process by which standard practices can be developed for California IOUs.

[12] R.18-10-007; SAN DIEGO GAS & ELECTRIC COMPANY'S (U 902 E) WILDFIRE MITIGATION; PLAN; February 6, 2019; pp. 49-50.
PACIFIC GAS AND ELECTRIC COMPANY'S WILDFIRE MITIGATION PLAN; February 6, 2019; Attachment A.

As with SMAP, for example, it will be crucial that intervenors be involved and have input into the process. Intervenors made critical contributions to that proceeding. TURN proposed the risk assessment framework ultimately chosen by the Commission,[13] for which MGRA proposed a "Test Drive" validation phase,[14] both of which were adopted by the Commission. Likewise, there will need to be a mechanism for intervenor contributions as the review of the Wildfire Mitigation Plans moves into the Wildfire Safety Division and later into the Office of Energy Infrastructure Safety. The uncertainty introduced by the migration of the WMPs into a new division that does not have a defined adjudicatory mechanism undermines the efficacy of the idea of introducing SMAP-like processes to solve the utility wildfire problem both in the immediate and longer term. Including funded participation of external advocates, lawyers, and experts can meaningfully expand both the scope of work to be performed and the range of expertise available to the IOUs and to the WSD and help to solve the seemingly intractable problems currently faced by Californians.

A number of key topics would lend themselves to a collaborative development framework such as SMAP. This approach would be specifically beneficial for developing regulations in the cases where:

- There is no standardized way to determine a metric or a utility practice that is an industry best practice or which has a strong scientific or engineering justification outside of the utility sphere.
- Utilities have practices that differ significantly from one another.
- Developing expertise in the various utility practices that would allow their direct comparison would present a burden to the regulatory body.

The topics that might lend themselves to this approach include but are not limited to:

- Definition of Fire Potential Index
- Determination of factors that go into a cost/benefit analysis to optimize PSPS thresholds
- Development of a quantitative fire risk reduction metric

[13] D.16-08-018; pp. 194-195.
[14] Id. p. 169.

- Development and approval of a training curriculum and/or certification process for WMP independent evaluators

4. D. INDEPENDENT EVALUATORS

4.26. Independence

What steps should be taken to ensure the independence of evaluators?

Due to the wide range of expertise that will be required of an independent evaluator (or at least of the team that they assemble), it will be necessary to establish that the evaluator is not beholden to any utility. Specifically, it should be mandated that an evaluator has no direct or indirect financial mechanism that can be applied to pressure them. For example, if an evaluator has done past contract work for a utility and it is reasonable to expect that they might do future contract work for it, then the prospect of future financial gain could create an implicit or explicit bias in their audit report.

The pool of people possessing the requisite experience may be small, and it is likely that many evaluator candidates will have utility backgrounds. This may make it difficult to fully ensure that they don't carry implicit or explicit biases that would favor the utility being evaluated. The most essential mechanism to ensure independence, however, is for the Commission (or WSD in the future) to be the body in charge of choosing the evaluators. While AB 1054 requires that each utility will "engage an independent evaluator", it would greatly compromise independence if the utility were to actually ***select*** the evaluator. If utilities select the evaluators, then the evaluators will need to ensure that they are utility-friendly if they are to be selected again in the future. This is similar to the conundrum posed by binding arbitration clauses: "Thus supposedly neutral arbiters know that revenue will increase if the party on one side of a dispute—the corporation—is pleased with the outcome. That same arbiter knows that rulings in favor of consumers will prompt corporations to take future business elsewhere."[15]

[15] National Consumer Law Center; FORCED ARBITRATION – CONSUMERS NEED PERMANENT RELIEF; 2010 ;https://www.nclc.org/images/pdf/arbitration/report-forced-arbitration.pdf

To avoid perverse incentives, it is crucial that WSD take over the role of assigning auditors to utilities. The utilities would then engage the assigned auditor. The Commission has asked the utilities to directly pay for third party services before, as with the development of the CPUC Fire Hazard maps, for which third party contractors were selected by CAL FIRE and then engaged and received payment from utilities.[16]

4.27. Successful Models

If known, provide examples of successful models that could be leveraged and followed for implementation of the independent evaluator process.

The Environmental Protection Agency (EPA) conducts audits under its Risk Management Plan (RMP) rule which implements Section 112(r) of the 1990 Clean Air Act amendments.[17] These regulations are intended to prevent chemical accidents at facilities that use certain hazardous substances.[18] Owners and operators are required to submit an RMP every five years, and the EPA conducts compliance audits.[19,20]

The EPA RMP model is similar to the CPUC's WMP model in that companies are required to develop plans to reduce the risk of accidents that could harm the public, and submit these to the regulator for review and audit. The models differ in that the EPA auditors are internal EPA staff rather than third-party auditors. RMP rules also allow the implementing agency to require the owner or operator to require a third-party audit if audits, inspections, or facility visits indicate that an accidental release of a regulated substance might occur. Unlike WMP third-party audits, auditor reports do *not* have to be reported to the regulating agency.[21] The RMP third-party audits are

---

[16] D.17-06-024; p. A-6 – A-8.
[17] https://www.epa.gov/rmp
[18] https://www.epa.gov/rmp/risk-management-plan-rmp-rule-overview
[19] EPA 550-F-00-010; August 2000; https://www.epa.gov/sites/production/files/2013-10/documents/auditfactsheet.pdf
[20] U.S. ENVIRONMENTAL PROTECTION AGENCY CHECKLIST FOR RISK MANAGEMENT PROGRAM INSPECTIONS OR AUDITS*At Programs 1 & 2 Stationary Sources; Under Title 40 C.F.R. Part 68 - Chemical Accident Prevention Provisions; Revised May 18, 2015. https://www.epa.gov/sites/production/files/2015-07/documents/rmp_checklist_programs_1_2_form_for_national_website.pdf
[21] EPA ACTIVITIES UNDER EO 13650: Risk Management Program (RMP) Final Rule Questions & Answers; August 2017. (RMP Q&A 2017)

purportedly supplemental audits designed provide owners/operators additional information to aid compliance.

MGRA takes no position at this time as to whether the EPA RMP model should inform the development of the CPUC's independent evaluator program. We provide this information to the Commission in light of the common goal of catastrophic accident prevention, the required creation of safety plans by companies, and the establishment of a program to audit these plans.

4.28. Primary Focus

What should be the primary focus of independent evaluator compliance reviews?

There are three statutory requirements imposed on the role of the independent evaluator:

1. To review and assess the IOU's compliance with its Wildfire Mitigation Plan,
2. To consult with and report to the Wildfire Safety Division, and
3. To determine whether the IOU has properly funded all activities in its WMP.

As with all activities in this sphere, the overarching goal of the independent evaluator program is to improve safety and reduce the likelihood of catastrophic utility-ignited wildfires. The independent evaluator's role, however, is somewhat constrained by statute: their goal is to compare utility activities and mitigation measures against those the utility specifies in its WMP and alert the WSD as to any gaps. It also has a financial auditing role to ensure that all activities specified in the WMP have been funded and executed. So if there are gaps in the WMP itself – the evaluator realizes that the measures specified in the WMP are not optimally enhancing safety, or if the evaluator finds that the metrics or methods used to measure compliance are not adequate to actually perform that measurement – the evaluator should report this information to the Wildfire Safety Division so that the Division can take the necessary corrective action during the next WMP development cycle (or sooner if the gap discovered presents an immediate fire risk).

---

https://www.epa.gov/sites/production/files/2017-08/documents/rmp_final_rule_qs_and_as_8-02-17.pdf

4.30. Federal Court Monitor Process

What elements of the federal court monitor process related to PG&E's probation should be utilized for the Wildfire Mitigation Plan independent evaluator process and why?

The federal court monitor process produced a report on vegetation management field inspections, under the supervision of Kirkland and Ellis LLP of arborists contracted employed by Filsinger Energy Partners, an independent energy advisory firm.[22]

Elements of the federal court monitor process that might be leveraged for an WMP IE process include:

- A multi-day training program for arborists and for attorneys. This included the CAL FIRE 2008 power line fire prevention field guide and additional CAL FIRE guidance.[23,24] This training allowed monitor teams to have a common approach to inspections and reporting.
- Corrective guidance provided to PG&E, allowing their VM program to be improved.
- Successful contracting of third-party utility experts answerable to the court monitor.

The program should be regarded as successful as it identified numerous shortcomings and gaps in PG&E's VM program, including program documentation, contractor issues (training, supervision and oversight), and recordkeeping.

---

[22] USA v. Pacific Gas and Electric Company; Northern District of California; Letter from Mark Filip, P.C. to the Honorable William H. Alsup; July 26, 2019; Case 3:14-cr-00175-WHA Document 1089 Filed 08/14/19; p. 4.; https://www.courthousenews.com/wp-content/uploads/2019/08/pge-monitors-report-7.26.pdf

[23] Id.

[24] USA v. Pacific Gas and Electric Company; Northern District of California; CAL FIRE'S INFORMATIONAL RESPONSE TO REQUESTS FOR INFORMATION AT JANUARY 30, 2019, HEARING; Case 3:14-cr-00175-WHA Document 1012 Filed 02/06/19; https://www.docketbird.com/court-documents/USA-v-Pacific-Gas-and-Electric-Company/FILED-BY-ATTORNEY-GENERAL-OF-CALIFORNIA-NON-PARTY-CAL-FIRE-Supplemental-Response-of-the-California-Department-of-Forestry-and-Fire-Protection-Following-January-30-2019-Hearing-on-Order-to-Show-Cause-as-to-Pacific-Gas-and-Electric-Company/cand-3:2014-cr-00175-276096-01012

Differences between the court monitor system and the responsibilities of the WMP IEs include:

- The court monitor program was specifically dedicated to vegetation management, and all monitoring described in the July 2019 report involved PG&E's VM program. The WMP, by contrast, is much broader in scope and requires much wider expertise than just vegetation management. It will require additional expertise in utility operation, wildfire science, meteorology, and accounting.
- The court monitor was appointed to monitor PG&E's compliance with its documented VM program. Monitoring teams consisted of two people, one arborist and one lawyer. The IE program initiated by AB 1054 would appear to have only a technical monitoring component.

In summary, there may be elements of the court monitor program that can be adopted for the WMP IE process. However, the WMP process has a much broader scope that will need additional areas of expertise outside of those developed for the court monitor program, and the Commission will need to determine how best to fill those needs.

4.32. Professional Training

How could government, utilities, and academic institutions work together to improve the development of qualified professionals?

One issue that was raised in the workshops and in utility WMP filings is that there is a shortage of qualified professionals with expertise in key areas (arborists, engineers). Ironically, creation of a pool of independent evaluators having the skills required to audit WMP compliance will further strain the supply chain as this will become an alternative employment for people with the requisite skills. One suggestion raised by a panel member during the workshops was to reach out to the pool of retired utility employees and arborists. At the other end of the age and experience spectrum, recruiting college students and graduates into the field would require that specific programs be developed for this purpose. Concepts that might be explored are:

- Internships for students in a field related to one of the WMP key area (see Section 4.33). Because of the highly specific requirements of the wildfire mitigation plan

review process, it is unlikely that students will have a curriculum exactly matching a requirement. Therefore, students from related fields would need to be recruited in and trained. These might include: electrical engineering, mechanical engineering, environmental science, meteorology, accounting, fire science or firefighting.

- Student debt relief could be offered to recent graduates from related fields who enter the utility fire prevention program, either on the utility or regulatory side.
- Training and certification classes (see Sections 4.33 and 4.34) could be offered as online and night school classes for people looking for development opportunities.

4.33. Curriculum Development

Should there be training curriculum developed to expedite the learning curve for independent evaluators? If so, how should this be done and who should do it?

There will need to be a curriculum developed in order to ensure that all independent evaluators and/or independent evaluator teams are familiar with the goals and requirements of the WMP IE program. Even in the case where a person or team had all of the requisite skills, the Commission and WSD will need to ensure that audits are being conducted in accordance with uniform standards.

However, it is very unlikely that any one person will have the full spectrum of knowledge necessary to be able to judge utility compliance with wildfire mitigation plans. Expertise that will be pulled on will include but not be limited to:

- Wildfire safety, prevention, and detection
- Utility infrastructure engineering and operation
- Meteorology and weather data interpretation
- Utility vegetation management
- Regulatory interpretation
- Budgeting, auditing, and accounting
- Risk management and statistics

Even a person having expertise in a number of these areas will need guidance in assessing other areas where their knowledge is thinner. In the case where a team is assembled having the full spectrum of required expertise, training would still be advisable because 1) it is good for all team members to have a basic idea of the goal of the review and the basic elements that will go into it and 2) the people coordinating and supervising the activity need to have an overview of the components that will go into the final report and how each is important, so that they do not overemphasize their own personal sphere of expertise.

The development of a curriculum can draw from academia (wildfire science, meteorology), fire agencies (CAL FIRE and USFS), private sector consultants (financial and risk management), California electric utilities, and of course resources at the CPUC, which has expertise in most of the requisite areas across its various divisions. The CPUC should drive the development of the curriculum with input from CAL FIRE, but it can draw as necessary on experts to contribute to development. An SMAP-like process could also be used to ensure that all stakeholders have input and that the training covers all key areas.

4.34. IE Certification

Should there be a certification process instituted for certifying qualified independent evaluators? If so, how should this be done and who should do it?

Yes, there should ideally be a certification process for independent evaluators in order for the Commission (or subsequent regulatory body) to ensure that evaluators have the requisite breadth of knowledge. The certification process should be developed in the same manner and at the same time as the training program discussed in Section 4.32.

Some additional considerations related to certification:

- If the evaluation is to be performed by a team rather than an individual, it may not be necessary for all team members to have the same level of expertise or certification in the same topics.
- External certifications may suffice for specific topics to be covered in the evaluation (fire prevention, utility power engineering, certified arborist).

- There should be a general training and certification process covering all relevant fields for anyone who will be supervising, coordinating, or managing the evaluation; or if any person will be covering all or multiple topics required for a complete WMP compliance evaluation. The general training and certification process should be managed by the Commission / WSD.

Certification should be performed by the Commission / WSD, with input from CAL FIRE for fire safety issues.

4.35. Resource Constraints

How, if at all, should utility resource constraints related to the availability of qualified personnel be evaluated in the independent evaluator process?

Utility resources availability can affect the ability of IOUs to meet the commitments stated in their WMPs. It would be useful to track this information in furtherance of the goal of improving the ability of utilities to speed up completion of critical safety tasks. Metrics related to qualified personnel availability might include:

- Number of positions opened for safety-related functions, including engineers and arborists
- Number of positions filled for safety-related functions.
- Average time position remains open before filling or closing
- Number of positions closed without being filled.

It is worth noting that the overlap between requirements for utility staff and independent evaluators could put further pressure on the availability of critical staff if the number of independent evaluators is significant. For instance, availability of third party auditors for the EPA's RMP program purportedly let to relaxation of some of the auditor requirements.[25]

[25] RMP Q&A 2017; p. 10.

5. E. REVIEW PROCESS / AB1054

This section raises a number of related questions regarding the timing and frequency of the WMPs. Answers to some of the questions asked throughout the section turn out to be inputs to the very first question asked in the section, which is related to the timing of the WMPs with respect to the GRCs. Certain answers are therefore assumed in the answer to the first question, details of which are developed in the specific questions asked subsequently in the section.

5.36. Timing of WMPs in Relation to GRCs

Should future Wildfire Mitigation Plan filings be timed to coincide with or relate to utility General Rate Case and related filings? Provide a sample filing timeline.

The fact that the GRCs are the actual funding mechanisms for execution of the WMPs implies that they are linked, and it follows that they should be synchronized in order for the WMP funding considerations to be raised at the proper point in the GRC cycle. Also, as noted previously, a number of answers to subsequent questions will be assumed in order to create a coherent GRC / WMP timeline. It turns out that these answers will also provide additional constraints on the timeline, such that the schedule of the WMP with respect to the GRC is strictly determined.

Specific constraints on the GRC / WMP schedule are:

- Cycle times for the WMPs and GRCs need to be the same.
- WMPs need to complete before the RAMP process is initiated.
- WMPs should be completed in time for implementation work during low-risk seasons.
- WMPs implementation in alpine areas will need to wait for spring
- There should be a pre-WMP phase allowing data requests, comments, and Commission input (through Decision) prior to the issuance of the WMPs.
- The timeline for completion of WMP review is highly constrained by statute.

Using these constraints it is possible to work backwards to determine the timeline for WMPs. One critical issue to first note is that GRCs are going to shift to a four year cycle.[26] AB 1054, on the other hand, mandates three-year plans and enables the WSD to require comprehensive WMPs only once every three years. Maintaining a three year planning cycle and a four year funding cycle is likely to lead to considerable confusion and lack of efficiency. Under worst-case conditions for offset between these cycles, funding for wildfire safety initiatives my wait for seven years before it can be recovered. This may require legislative relief. Note that this problem disappears if comprehensive WMP development is a yearly cycle, but if comprehensive fire plans are only required periodically, then that period must be tied to the GRC cycle time in order to efficiently fund them.

There are some efficiencies that could be achieved by tying periodic comprehensive WMP development to the GRC cycle. Given the constraints of development time and statutory requirements, a cycle for a given test year ("TY") would look like this:

- TY-4, June: OIR/Ruling/Decision opening data request and comment period for specified utility (or utilities) WMPs.
- TY-4, July-November: Data request and comment period for comprehensive WMP.
- TY-4, November: Commission Decision directing specific details for comprehensive WMP
- TY-3, Jan 2: WMP released
- TY-3, Jan-Mar: Comprehensive WMP review period
- TY-3, March 31: WMP adopted
- TY-3, April-June: Lower risk implementation period
- TY-3, December: RAMP filing
- TY-2, November: GRC filing

Of course, tying the WMP cycle to the GRC would mean that the major WMP revisions would be done one utility at a time, since these are offset. The burden of this on WSD staff will be discussed below.

[26] R.13-11-006; PROPOSED DECISION OF COMMISSIONER RECHTSCHAFFEN; DECISION MODIFYING THE COMMISSION'S RATE CASE PLAN FOR ENERGY UTILITIES; October 4, 2019.

5.37. Standard Data Requests

Should the Commission order the utilities to respond to a standard data request with their Wildfire Mitigation Plan filings, or before they are filed? If so, how should the process work? There is a standard data request from Cal Advocates for rate cases and Energy Resource Recovery Account (ERRA) proceedings; describe that process and indicate whether it is workable for Wildfire Mitigation Plans.

Yes, a standard data request should be developed specifically for Wildfire Mitigation Plans, and it should be issued along with any utility or context-specific modifications at the point when the WMP development process kicks off, i.e., approximately six months prior to the issuance of the WMP(s) by the utility(ies). The standard data request could contain data requests that had proven to be helpful in prior WMP cycles, and thus make the data request cycle more efficient for intervenors and the Commission, and less burdensome on utilities.

5.38. Future Review Process

Provide any recommendations you have about the process of reviewing future Wildfire Mitigation Plans, including your analysis of what AB 1054 and 111 permit or require.

MGRA believes that the current process, under which key items are determined prior to the issuance of the draft WMPs by the utilities, is effective and that it should continue to be applied in future proceedings. We note that intervenors from many organizations have made substantive contributions to the WMP development process, and that they've far extended the reach and capabilities of the Commission and its assigned organizations. The value provided by intervenors is indisputable in many proceedings before the Commission. There are two reasons for this. The first is that Commission staff do not necessarily share the same perspectives, backgrounds, or expertise that external intervenors do, and as a result intervenors tend to cover gaps in areas not emphasized by staff. The second reason is that regulators (not just in the CPUC) are invariably underfunded and

understaffed, particularly in the current political climate, and cannot cover all necessary areas with the thoroughness required.

We therefore assume that an equivalent intervention program will need to be built into the Wildfire Safety Division and the Office of Energy Infrastructure Safety (OEIS) if there is to be any discussion of proper review at all. AB 1054 stated that the "Wildfire Safety Division shall accept comments on each plan from the public, other local and state agencies, and interested parties, and verify that the plan complies with all applicable rules, regulations, and standards, as appropriate."[27] To the extent that "providing comment" means the ability to provide intervention in the same manner that external intervenors do today, then the review process discussed in this section can work. But this is not particularly clear from the language and will need additional guidance from the Commission and legislators.

Taking the minimalist and pessimistic view that the WSD, a newly established, inexperienced, and as yet unstaffed organization will only accept comment from volunteer unpaid intervenors (with no obligation to respond to those comments) and be responsible for understanding, guiding, and approving safety plans for major IOUs guarantees that only a token level of WMP supervision will be in place. Nevertheless, even under this dark scenario WSD and the OEIS will still perform a critical function in California's utility regulatory framework: In the event of catastrophe and tragedy arising from IOU conduct, WSD and OEIS will be there to act as a public scapegoat, to be shamed and shunned, to be reorganized and then told to get it right the next time. This allows the true center of regulation to shift to the utilities themselves, exemplifying the Grover Norquist vision of a government drowned in a bathtub, with corporations left free to conduct their business without constraint, a vision that some supporters of AB 1054 might share.

We believe that the Commission and its staff, and nearly all independent parties believe that the IOUs need strong regulatory supervision and guidance. We therefore urge that the Commission interpret provisions added to the California Public Utility Code by AB 1054 and AB 111 in a manner to ensure that effective regulatory supervision and guidance will continue after the creation of the Wildfire Safety Division and Office of Energy Infrastructure Safety. If this is not possible, we

[27] AB 1054; Section 17.

would urge the Commission to loudly and publicly state that there is a risk that the utilities will become self-regulating so that the legislature, to the extent that is willing, can take remedial steps.

5.39. Staggering the WMP filings

Should future Wildfire Mitigation Plan filings be staggered? If so, how should they be staggered?

The process followed during the development of the current Wildfire Mitigation Plans was an extreme burden on parties, for two reasons. Firstly, the timeline between draft WMP submission and WMP approval is set by statute to be three months (with possibility for extension). The second reason is that all parties submitted their WMPs at the same time. This resulted in a fairly cursory review of all individual WMPs by parties, or at least cursory in comparison to what parties would have been able to do had they had a reasonable time frame.

For comprehensive revisions, staggered filings that are synchronized with the GRC cycle as described in Section 5.36 would enable the WSD and intervenors to concentrate on one WMP at a time. The disadvantage, of course, is that the review of WMPs becomes a constant process, since one major IOU will usually be undergoing a comprehensive review. Still, this will allow the Wildfire Safety Division to better manage its resourcing and workload over time, as opposed to the peak load that would occur every three years with simultaneous IOU WMP filings.

5.40. WMP Review Schedule

How long should the Wildfire Mitigation Plan review timeline be? During the review period, what should the detailed schedule (and deadlines) be for initial statutory review, requests for adjustment, data requests, data request responses, party comment, etc.?

See Section 5.36.

5.41. Lower-Risk Seasons

By what date would Wildfire Mitigation Plan approval enable utilities to take advantage of lower-risk seasons to implement Wildfire Mitigation Plan measures (particularly for asset construction and maintenance)?

See Section 5.36.

5.42. Public Input

How can mechanisms for effective public input on Wildfire Mitigation Plans be improved?

As previously discussed, public input is most effectively achieved by the inclusion of intervenors in the WMP development process. Evaluating a Wildfire Mitigation Plan is an exhaustive and technical enterprise that requires significant time and dedication, and it will create great hardship on parties if they have to engage technical experts and legal representation at their own expense in order to contribute to public safety and ratepayer savings.

Additionally, the Commission and parties should explore the best way to present draft or approved WMPs to the public in public participation hearings that would have significant attendance. Possibly, a public summary of major changes and new programs should be presented by the IOUs at the time the draft WMP is filed, which, after input from parties, would form the basis of public participation hearings in the IOU's service area.

6. CONCLUSION

The Alliance is pleased that the analysis that will go into the next set of Wildfire Mitigation Plans was initiated during the current year, and hopes that our input proves helpful in improving them. We hope that the Commission is able to ensure continued mechanisms for substantive public input into the WMPs as the responsibility for review changes to the Wildfire Safety Division.

Respectfully submitted this 6th day of November, 2019,

By: __*/S/*____***Diane Conklin***_____

Diane Conklin
Spokesperson
Mussey Grade Road Alliance
P.O. Box 683
Ramona, CA 92065
(760) 787 – 0794 T
(760) 788 – 5479 F
dj0conklin@earthlink.net

APPENDIX B

MGRA PHASE 2 WORKSHOP REPLY

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 R.18-10-007 (Filed October 25, 2018)

MUSSEY GRADE ROAD ALLIANCE PHASE 2

WORKSHOP REPLY COMMENTS

Diane Conklin, Spokesperson
Mussey Grade Road Alliance
P.O. Box 683
Ramona, CA 92065
Telephone: (760) 787-0794
Email: dj0conklin@earthlink.net

Dated: November 18, 2019

1. INTRODUCTION

Pursuant to the October 10, 2019 ruling by Administrative Law Judge Thomas inviting parties to file and serve comments on topics raised during the September 17-19th WMP workshops,[1] and the ALJ's October 25th Email Ruling granting Will Abram's request for an extension to November 6th and extending the deadline for reply comments to November 18th,[2] the Mussey Grade Road Alliance (Alliance or MGRA) files this reply in response to the workshop comments of other parties. Due to the 15 page limit, MGRA will not respond to questions for which we have no specific information or opinion to add. The numbering scheme will be based on the outline in the Ruling.

MGRA welcomes this final opportunity to provide technical input into the Wildfire Mitigation Plans before they transition to Wildfire Safety Division approval and an uncertain future Commission role. During the comment / reply period for these comments, California has experienced major power line fires and historic utility shutoffs. Will Abrams found himself fleeing fires while preparing filings,[3] and other intervenors such as ourselves were subjected to a power shut-off. Residents are fearful, with some justification, that they may be next.[4] MGRA would like the Commission to keep in mind as it determines the future of the WMP process that its obligation to enforce Section 451 of the PUC Code[5] which ensures safe electrical service to all Californians is ***absolute*** and is not altered by any other PUC Code section.

---

[1] R.18-10-007; ADMINISTRATIVE LAW JUDGE'S RULING REQUESTING COMMENTS ON WORKSHOPS IN PHASE 2; October 10, 2019. (Ruling)
[2] R.18-10-007; E-MAIL RULING GRANTING ABRAMS MOTION FOR EXTENSION; October 25, 2019.
[3] R.18-10-007; WILLIAM B. ABRAMS COMMENTS ON ADMINISTRATIVE LAW JUDGE'S RULING REQUESTING COMMENTS ON WORKSHOPS IN PHASE 2; November 6, 2019; p. 3. (Will Abrams Workshop Comments)
[4] Reuters; "Wildfire threat darkens California dream, residents say"; Ellen Wulfhorst; November 14, 2019. http://news.trust.org/item/20191114093153-rsecy/
[5] Section 451 reads in part: "Every public utility shall furnish and maintain such adequate, efficient, just, and reasonable service, instrumentalities, equipment, and facilities, including telephone facilities, as defined in Section 54.1 of the Civil Code , as are necessary to promote the safety, health, comfort, and convenience of its patrons, employees, and the public."

2. A. UTILITY PLANS

2.3. Risk Reduction Metrics

In the MGRA workshop comments (and in other filings) we recommend using wind speed in conjunction with outage, vegetation contact, and fire data in order to obtain a predictive metric,[6] rather than dependence on FPI only. We therefore wish to bring to the Commission's attention that PacifiCorp is developing a metric based on "fragility curves", which describe fault rates as a function of local wind speed.[7] This is very similar to the approach we have been advocating,[8] and is the basis for the analysis our expert has used in academic work.[9] As improvements specified in the WMP are rolled out, these should result in a measurable change in the fragility curve. Attempting to apply a similar approach using Fire Potential Index (FPI) will not be as effective, because FPI contains contributions from a number of other variables such as humidity and vegetation moisture content that will have no correlation with faults.

SDG&E states that it is currently estimating risk reduction through application of "an Enterprise Risk Management process of identifying and scoring risks based on the likelihood of a risk occurring and the impact of the risk if it were to occur."[10] SDG&E will demonstrate how this method has been applied in their Risk Assessment Mitigation Phase (RAMP) filing, which is due out at the end of this month. This will be SDG&E's second pass through the RAMP process, and it appears from their workshop comments that they plan to conduct some detailed risk reduction assessments. The Commission and its new Wildfire Safety Division (WSD) should observe the SDG&E RAMP filing carefully to glean what lessons can be learned that can be fed into WMP development.

---

[6] R.18-10-007; MUSSEY GRADE ROAD ALLIANCE PHASE 2 WORKSHOP COMMENTS; November 6, 2019; pp. 2-3. (MGRA Workshop Comments)

[7] R.18-10-007; COMMENTS OF PACIFICORP IN RESPONSE TO THE ADMINISTRATIVE LAW JUDGE'S RULING REQUESTING COMMENTS ON WORKSHOPS IN PHASE 2; November 6, 2019; B-3 – B-5. (PacificCorp Workshop Comments)

[8] R.18-10-005; MUSSEY GRADE ROAD ALLIANCE COMMENTS ON PHASE 2; p. 8: "The **responsiveness** of outages to increased wind, however, could be a very high value metric."

[9] Mitchell, J.W., 2013. Power line failures and catastrophic wildfires under extreme weather conditions. Engineering Failure Analysis, Special issue on ICEFA V- Part 1 35, 726–735. https://doi.org/10.1016/j.engfailanal.2013.07.006

[10] R.18-10-007; OPENING COMMENTS OF SAN DIEGO GAS & ELECTRIC COMPANY (U 902-E) ON PHASE 2 WORKSHOPS; November 6, 2019; p. 2. (SDG&E Workshop Comments)

We note that both SCE[11] and PG&E[12] are also engaged in developing probabilistic failure analysis based on failure histories. This is a positive step.

MGRA agrees with CEJA that: "When developing assessments of risk, utilities should include measurements of the risks to vulnerable communities due to socio-economic factors."[13] Utilities are in the process of incorporating impact analysis into their risk assessment models. While some of the potential impacts of fire or shutoff can be gauged solely by economic value or by neighborhood resilience, some populations will be more subject to harm because they are hampered in their ability to evacuate. This may be due to communication issues (including language), health, or age. For example, most of those killed in the October 2017 fire siege in Northern California were elderly.[14]

Finally, both Protect Our Communities (POC) and Green Power Institute (GPI) discuss PSPS concerns with respect to risk reduction. MGRA has stated in previous filings that PSPS needs to be pulled into the Wildfire Mitigation Plan discussions because its use overlaps with other mitigation measures such as covered conductor and enhanced vegetation management.[15] TURN and CEJA correctly note that PSPS can bias other metrics.[16] GPI raises the legitimate concern of utility power shutoff increasing fire risks to residents from non-power line fires due to lack of communication and impacts on fire-fighting.[17] They incorrectly state, however, that this issue "has not been previously considered". MGRA and other intervenors have repeatedly raised this issue in not only the present shut-off proceeding R.18-12-005, but going back to our original participation in

---

[11] R.18-10-007; SOUTHERN CALIFORNIA EDISON COMPANY'S (U 338-E) PHASE 2 COMMENTS ON WILDFIRE MITIGATION PLAN WORKSHOPS; November 6, 2019; pp. 1-2.
[12] R.18-10-007; PACIFIC GAS AND ELECTRIC COMPANY (U 39 E) COMMENTS ON WORKSHOPS IN PHASE 2; November 6, 2019; pp. 2-3.
[13] R.18-10-007; CALIFORNIA ENVIRONMENTAL JUSTICE ALLIANCE'S RESPONSE TO ALJ RULING REQUESTING COMMENTS ON WORKSHOPS IN PHASE 2; November 6, 2019; p.2. (CEJA Workshop Comments)
[14] LA Times; "California firestorm takes deadly toll on elderly; average age of victims identified so far is 79"; October 13, 2019; Alene Tchekmedyian, Esmerelda Bermudez.
https://www.latimes.com/local/lanow/la-me-ln-norcal-fires-elderly-20171012-story.html
[15] R.18-10-005; MUSSEY GRADE ROAD ALLIANCE COMMENTS ON THE WILFIRE MITIGATION PLANS; March 13, 2019; pp. 16-22.
[16] TURN Workshop Comments; p. 6.
[17] R.18-10-005; COMMENTS OF THE GREEN POWER INSTITUTE ON THE WORKSHOPS IN PHASE TWO; November 6, 2019; p. 1.

the SDG&E shut-off application of 2008.[18] This remains a timely and urgent issue considering that this worst-case scenario has recently happened.[19]

2.4. Near Miss Incidents

SDG&E has "begun collecting data on not only ignitions that meet the Commission's definition of a reportable ignition, but also on near-ignitions and any event where evidence of heat was observed."[20] The Commission should follow up with this analysis and request that SDG&E illustrate what it has learned from this analysis in its next WMP presentation. Because this approach has the potential to identify and collect additional statistics for ignition causes it has the potential for becoming a best practice that might be applied to other utilities.

3. METRICS

3.7. List of Proposed Metrics

MGRA agrees with the Office of the Safety Advocates (OSA) that metrics need to be 1) comprehensive 2) unfiltered and 3) available to the Commission (and public).[21] An unfiltered collection of comprehensive data allows effective data mining to occur, which is why "OSA strongly recommends that the metrics be free from any filters designed to limit the focus of metrics, such as only calculating and reporting metrics for ignitions falling in a high fire threat area (HFTA) or those dependent on the value of another variable such as the fire potential index (FPI). OSA does not oppose overlaying metrics with other data if utilities report the metric for all realized values of the underlying data used to construct the metric."[22] In data science, advanced algorithms can be used that extract optimized predictive information from data, as opposed to more traditional data analysis which relies on filtering and cuts to extract information from data. This approach was suggested by workshop panelist John J. MacWilliams, former Associate Deputy Secretary of the

---

[18] A.08-12-021; MUSSEY GRADE ROAD ALLIANCE COMMENTS ON SDG&E'S SHUTOFF PLAN AND PROPOSED RULE 14 CHANGE; March 27, 2009; p. 10.
[19] Los Angeles Times; In California power outages, residents miss fire evacuation alerts; October 26, 2019; Marisa Gerber, James Rainey.
[20] SDG&E Workshop Comments; p. 3.
[21] R.18-10-005; COMMENTS OF THE OFFICE OF THE SAFETY ADVOCATES ON THE ADMINISTRATIVE LAW JUDGE'S RULING REQUESTING COMMENTS ON WORKSHOPS IN PHASE 2; November 6, 2019 (OSA Workshop Comments)
[22] Id. p. 4.

U.S. Department of Energy. Machine learning allows correlations between data that are not obvious to be discovered and used for more accurate predictions.

In order for this kind of analysis to be applicable across utilities, OSA notes that the utilities will need to report underlying datasets to the Commission. OSA notes that "gathering of the underlying data used to construct metrics is a fundamental step in establishing transparency, enabling Commission staff to undertake independent analysis of utility efforts to reduce the risk of catastrophic wildfires, and providing stakeholders with access to data."[23] While we agree, we note one important caveat: In order for utility data to be useable and generally applicable across the state, it will need to be "homogenized", indeed as noted by Professor MacWilliams quite a bit of the effort in data mining is ensuring that data from different sources is comparable. Should the Commission agree with OSA that utility data should be collected, they will also need to ensure that a mechanism is developed that will allow data from different utilities to be combined and compared. Liberty correctly notes that: "Developing common definitions and measures for data and metrics (and any that may be irreconcilable) will require a thoughtful, structured process."[24]

Finally, MGRA's suggestion to collect winds speed along with outage, ignition, and vegetation contact data would help to address SCE's legitimate concern that "if the adopted 'metrics' are measured on short time horizons (e.g., annually), that could lead to both 'false positive' and 'false negative' indications of the relative effectiveness of the utilities' WMPs," since it would allow correction for years or seasons which may have milder or more severe winds.

3.11. Service Area Map with Ingress / Egress

The Ruling requests that utilities provide maps of their HTFD indicating ingress and egress. SCE, however responds that "having utilities provide ingress and egress routes could confuse and misinform the public by providing potentially conflicting information as roads that lead out of and into HFRA during normal circumstances may be shut down by local agencies and emergency responders during a fire event."[25]

---

[23] Id.; p. 7.
[24] R.18-10-005; LIBERTY UTILITIES (CALPECO ELECTRIC) LLC'S (U 933-E) COMMENTS ON THE WILDFIRE MITIGATION PLAN WORKSHOPS IN PHASE 2; November 6, 2019; p. 5.
[25] SCE Workshop Comments; p. 9.

SCE may be missing the point of this question. MGRA's understanding is that the Commission wants this information because utility infrastructure (burning poles) may block ingress and egress in the case of a major fire (whether utility-caused or not), as happened during the evacuation of Paradise.[26] This is a factor that needs to be taken into consideration when considering the priority of utility hardening programs. SCE should provide the requested information.

3.12. Fire Potential Index

In general, utilities (with the exception of PG&E) wish to keep their own individual Fire Potential Indices (FPI) while other intervenors (including MGRA) favor coming up with a common FPI definition and methodology. PG&E sees the potential value of a common FPI.

The utility arguments opposing a common FPI are unconvincing. SDG&E claims that its FPI had "a very strong correlation to actual fire events in terms of the severity of past fires and provided very accurate information as to when the risks of uncontrolled and large-scale fires were high."[27] This is not surprising – one would expect ***any*** reasonable FPI to have strong correlation with actual severe fires. PG&E developed its own FPI in consultation with SDG&E,[28] so there is hope that the models will be compatible. Neither PacificCorp nor Liberty have so far created an FPI,[29] nevertheless they oppose a common FPI. Liberty "does not agree that a single FPI can be successfully utilized throughout the state,"[30] however this is a straw-man argument. No party argues that one single metric can or should apply in all environments or geographies. MGRA argued that FPI measures should depend ***only*** on local geography, vegetation, and climate, and that geographic and climactic zones span utility boundaries.[31] Applying a common approach to determining FPI ensures a common baseline for resident safety across the state.

---

[26] Los Angeles Times; "Must Reads: Here's how Paradise ignored warnings and became a deathtrap"; December 30, 2018; Page St. John, Joseph Serna, Rong-Gong Lin II; https://www.latimes.com/local/california/la-me-camp-fire-deathtrap-20181230-story.html
[27] SDG&E Workshop Comments; p. 9.
[28] PG&E Workshop Comments; p. 7.
[29] PacifiCorp Workshop Comments; p. 6; Liberty Workshop Comments; p. 8.
[30] Liberty Workshop Comments; p. 7.
[31] MGRA Workshop Comments; p. 6.

3.13. FPI Standards, Vetting, and Verification

The IOUs that oppose standardizing FPI unsurprisingly also oppose having a standardized FPI developed or vetted by third-party.[32] SDG&E's claim that "scientifically validated FPI that verifies historically does not warrant third party verification if the data indicates relevant correlation…" is not correct. The quality of correlation can vary depending on FPI. Also, different FPIs developed by utilities are all likely to correlate with historical fire data, potentially opening the door to using one common FPI measure. PG&E, on the other hand "would welcome qualified parties serving as an independent third party to vet and verify the FPI work PG&E and fire experts from SDG&E, USFS, SJSU Fire research have developed."[33]

3.14. Working Group

The prospect of using working groups similar to S-MAP to develop specific metrics or best practices is generally well-received among parties. SDG&E and TURN raise some valid concerns, specifically:

- Working groups should be designed so as not to overlap and to avoid duplication of work.[34]
- Working group meetings should not proliferate, so as not to put too large a strain on participants with limited resources and should emphasize submission of written comments.[35]

As we noted in the MGRA Workshop Comments,[36] it is vital that intervenors be able to actively participate in the development of standards and best practices through working group processes, as their value has already been amply demonstrated in S-MAP.

---

[32] Liberty Workshop Comments; p. 8, SDG&E Workshop Comments; p. 9.
[33] PG&E Workshop Comments; p. 8.
[34] SDG&E Workshop Comments; p. 9.
[35] R.18-10-007; COMMENTS OF THE UTILITY REFORM NETWORK ON WORKSHOPS IN PHASE 2; November 6, 2019; p. 7.
[36] MGRA Workshop Comments; p. 8.

4. D. INDEPENDENT EVALUATORS

4.26. Independence

CEJA agrees with MGRA that independent evaluators should not be selected by utilities: "Separating the evaluators' payment and reporting consistent with AB 1054's requirements is critical to ensuring independence."[37] PacifiCorp's suggestion that a draft list of IE candidates be circulated for comment to "allow the utilities and stakeholders to provide feedback on possible conflicts that the Wildfire Safety Division may not be aware of"[38] sounds reasonable on its face, but could have the potential for abuse. Specifically, if evaluators were to earn a reputation of being rigorous or "tougher" than the utilities expect, there could be pressure to remove them from the pool. Any feedback mechanism will need to be designed to "consider the source".

4.27. Successful Models

PacifiCorp notes that: "The Public Utility Commission of Oregon has a robust process for selection of independent evaluators (IEs) to oversee competitive procurement by utilities. This process requires commission approval of the IE through a docketed proceeding."[39] The Commission should be concerned of the burden that IE selection through a docketed proceeding would place on the CPUC, as well as the potential shrinkage of the available pool due to the added burden and delay that a docketed proceeding would introduce.

4.30. Federal Court Monitor Process

PG&E, which was subject to the federal court monitor process, considers the monitoring of their vegetation management work to be "an example of what has worked well".[40] They particularly appreciated the early engagement of the monitors to understand PG&E processes, direct observation of PG&E work in the field, independent assessments by two-person teams consisting of a lawyer and vegetation management expert, and early feedback to PG&E that allowed them to quickly

[37] CEJA Workshop Comments; pp. 15-16.
[38] PacifiCorp Workshop Comments; p. 10.
[39] Id; p. 11.
[40] PG&E Workshop Comments; pl 18.

correct issues. As MGRA pointed out in our Comments, however, the IEs (or IE teams) involved in WMP validation will need to have much broader expertise spanning electrical engineering, wildfire science, and accounting as well as the vegetation management expertise of the federal monitoring team. Regardless, PG&E's suggestion that the IEs engage with the utility and observe its operations has merit.[41]

4.32. Professional Training

PG&E makes some astute observations regarding the training of independent evaluators: "As it relates to maintaining a highly qualified and sustainable independent evaluator workforce it is worth noting that seasonal hiring and retention is often much more difficult than maintaining a stable, continuous workforce. As such, if the independent evaluator is anticipated to remain a feature of the CPUC and WMP process for many years to come it may be worth considering how to set it up as a continuous, stable, year-round project as opposed to a seasonal, peak-period effort… PG&E is engaged to set up community college programs that would provide introductory education and training to attract additional resources to the Vegetation Management field."[42]

In addition to Vegetation Management, college programs should be set up to encourage entry into electrical engineering, meteorology, accounting, and other fields related to the expertise needed by independent evaluators.

4.33. Curriculum Development

MGRA listed the range of expertise that IEs could need to call on as:

- Wildfire safety, prevention, and detection
- Utility infrastructure engineering and operation
- Meteorology and weather data interpretation
- Utility vegetation management
- Regulatory interpretation
- Budgeting, auditing, and accounting
- Risk management and statistics[43]

[41] Id.; p. 19.
[42] Id.; p. 20.
[43] MGRA Workshop Comments; p. 14.

Will Abrams also emphasizes risk management so that "these professionals understand how to conduct a risk assessment of complex systems and process."[44] To the list above he would also add QA (Quality Assurance) and TQM (Total Quality Management) principles and practices. SDG&E also suggests adding climate science, customer outreach, and emergency response to the list of expertise.[45] MGRA agrees that all of these areas are potentially within the IE purview.

On the other hand, MGRA strongly disagrees with SDG&E's assertion that: "The evaluator should be responsible for developing their own training programs."[46] As we explained in the MGRA Workshop Comments, the range of required expertise is very broad, and will it will take significant investment to either acquire it or to assemble a team that has it. Leaving curriculum development up to the evaluator would lead to every evaluator coming at the evaluation of utility WMPs with a different emphasis and potentially applying different techniques and standards. This would be bad for residents, since the quality and style of WMP evaluation applied to their utility would be dependent on the independent evaluator selected. It would also be bad for utilities, since actions taken at the behest of one IE might not satisfy another IE. The Commission must ensure that independent evaluators are of high and uniform quality in order to achieve a common level of safety for all Californians.

5. E. REVIEW PROCESS / AB1054

5.36. Timing of WMPs in Relation to GRCs

MGRA did not take a firm position in its Workshop Comments with regard to whether WMP cycles should be yearly or tied to a three year cycle. However, for longer cycle with more comprehensive WMPs, MGRA did recommend tying it to the GRC cycle to ensure that implementation of the WMPs is adequately funded. Applying this and other constraints we proposed a schedule tied to the GRC test year.[47]

We empathize with CEJA's point that: "The process by which utilities learn from each other, and through which the parties develop information, has been rich and productive. Were different utilities

[44] Abrams Workshop Comments; p. 11.
[45] SDG&E Workshop Comments; p. 19.
[46] SDG&E Workshop Comments; p. 18.
[47] MGRA Workshop Comments; p. 18.

to reach different stages in WMP evaluation and revision at different times, that synergy would be lost."[48] However, in light of the three-month timeframe for development, it will be well-nigh impossible (as it was this WMP cycle) to ensure that "the next cycle needs to develop a robust record."[49] There is simply not time to do a full simultaneous WMP analysis for all utilities correctly given the extremely short timeline specified by law. It will therefore be up to the intervenors, the Commission, and WSD to ensure that best (or worst) practices are identified at the utility level and that learnings are transferred from one utility WMP cycle to the next.

It was our claim that given the various constraints of GRCs, intervenor input, RAMP proceedings, and lower fire risk weather seasons, the schedule of the WMP revision with respect to the GRC was tightly constrained. Indeed, SCE proposed a timeline nearly identical to that suggested by MGRA.[50] The IOUs generally like the idea of linking WMP development to GRCs, and this makes sense, since the GRC is where the wildfire mitigation activities called out in the WMP would be paid for. SDG&E suggests that the WMP filings be nearly simultaneous with the RAMP filings,[51] while MGRA suggests they be made available earlier so as to be incorporated into RAMP.

Numerous parties mention the fact that the potential shift to a four year GRC cycle as proposed in R.13-11-006 would greatly complicate synchronizing GRCs with three year WMP major revision cycles. This is an issue that will need to be resolved.

5.37. Future Review Process

A number of parties note with concern that as the process for WMP review shifts over to the WSD and Office of Electrical Infrastructure Safety (OEIS) there is no defined mechanism for intervention, aside from a generic requirement to collect public input. Public Advocates state that: At this point, it is unclear exactly what process the new Wildfire Safety Division will follow when reviewing the WMPs, allowing for public processes and comments, and requiring the utilities to

[48] CEJA Workshop Comments; p. 20.
[49] Id.
[50] SCE Workshop Comments; p. 21-23.
[51] SDG&E Workshop Comments; pp. 19-20.

implement changes to the WMPs based on comments. The discussion of aligning WMPs with each utility's GRC should be deferred at this time."[52]

One concern is inadequate time for a full vetting and review. TURN states that: "The challenge faced by the Commission and parties may be even greater under AB 1054 because, beginning in 2020, WMPs will be required to cover at least a three-year period, which would seem to entail review of even more information in the same amount of time. As was the case in 2019, this severely limited time for review and approval places great limitations on what can be effectively reviewed and decided."[53] TURN suggests an early "draft" WMP submission, 3-4 weeks before the due date.[54] MGRA[55] and SCE[56] recommend a "pre-phase" to allow intervenor input into the plans several months before they are submitted, very similar to the present phase of this proceeding. EPUC proposes that the WMP proceeding span a 12 month period so as to allow for discovery and evidentiary hearings.[57] However, the law requires that WMP review occur within three months after submittal.

TURN also notes that: "Although, at first glance, AB 1054 appears to vest decision-making authority regarding WMPs in the Commission's new WSD, the Commission must still "ratify" WSD's action. For the Legislature's inclusion of the ratification step to have meaningful effect and not just constitute meaningless surplus language, as rules of statutory construction require, WSD's decision will effectively be the equivalent of a proposed decision, which should be subject to party comment under Commission Rule 14.2."[58] However, this last minute potential review would be cold comfort to parties who need to have the opportunity to do a full WMP review and provide meaningful input. Because the WSD itself will require time to analyze the WMPs and provide its approval, it must be expected that intervenors would have no more than a few weeks to analyze WSD's report and provide input. And, as TURN well knows, once a proceeding gets to the

---

[52] R.18-10-007; COMMENTS OF THE PUBLIC ADVOCATES OFFICE ON THE RULING REQUESTING COMMENTS ON WORKSHOPS IN PHASE 2; November 6, 2019; p. 5 (CalPA Workshop Comments)
[53] TURN Workshop Comments; p. 12.
[54] Id; p. 14.
[55] MGRA Workshop Comments; p. 18.
[56] SCE Workshop Comments; p. 23.
[57] R.18-10-007; COMMENTS OF THE ENERGY PRODUCERS AND USERS COALITION ON ALJ RULING REQUESTING COMMENTS ON WORKSHOPS IN PHASE 2; November 6, 2019; p. 6. (EPUC Workshop Comments)
[58] TURN Workshop Comments; p. 13.

Proposed Decision phase, major changes are fairly rare and only occur under extraordinary circumstances.

In its Workshop Comments, MGRA warned of the dire consequences for public safety should the WMP process be handed over to WSD and OEIS before these organizations have the staff, expertise, and process in place to fully analyze utility fire data and to formally incorporate party input.[59] It is possible, however, for the Commission to avert that outcome by applying its existing authority under AB 1054 and AB 111. The Commission could, for instance, make incorporation of issues specified by the Commission, through a Commission-driven process that includes party input, a pre-condition for WSD WMP approval ratification. Such a process could incorporate many suggestions made in these party Workshop Comments and would ameliorate many of the concerns raised by parties. A rough outline of the process would be as follows:

- The year prior to WMP submission for a given utility, possibly in the July timeframe or earlier, the Commission opens a proceeding to gather input and formalize requirements for the major revision of the utility's Wildfire Mitigation Plans. (EPUC, MGRA, SCE)
- The affected IOU(s) are requested to provide input on to what major revisions they are planning for the next WMP cycle. (TURN pre-WMP phase)
- Parties provide 1) proposals for additional changes to current WMPs and 2) comments on planned utility revisions. These are followed by a round of reply comments. WSD may participate in this proceeding. (MGRA, SDG&E, TURN, EPUC comments re S-MAP process)
- Data requests are permitted from the time the proceeding opens until the Commission accepts the WSD approval. (PG&E, SCE, MGRA)
- Workshops are held to discuss major revisions to the WMP and party proposals. (CEJA, SCE)
- A workshop report should be produced, either collaboratively (possibly driven by the affected utility), or by an assigned Commission division.
- The Commission may decide that evidentiary hearings are also necessary. (EPUC)

[59] MGRA Workshop Comments; p. 20.

- Final comments and replies are submitted incorporating data request responses, evidence from the EH process, and workshop results.
- Near the end of the year, the Commission issues a proposed decision providing guidance for the WMP revision.
- Parties have the opportunity for comments and reply comments on the PD.
- Final Decision is issued providing guidance for the WMP revision.
- At least one month after the Final Decision is issued, the utility(ties) release their proposed WMP to the public and to WSD, which will publish it on its website. One of WSD's tasks will be to ensure that utilities follow the guidance in the Commission Decision. (SCE, MGRA)
- As per Public Utilities Code 8386.3(a) and 8386(d), the WSD will accept and consider comments posted by the public.
- Two months after WMP issuance, WSD issues its approval. WSD may request changes to the WMP either prior to its approval, or may request an extension.
- Parties have an opportunity for a comment / reply cycle on the WSD approval. (TURN)
- The Commission votes to ratify WSD's approval of the WMP.

There is no Public Utilities Code requirement that the Commission adopt such a process, but neither is it forbidden as long as the WSD maintains full authority to review and approve the WMPs. The reason that the Commission needs to put such a framework in place is to ensure stakeholder and party rights and to that ensure safe and reliable electric service is maintained under PUC code Section 451, which may be endangered if utilities are immunized from public and Commission safety input. The fact that WSD and the future OEIS are given authority to review wildfire mitigation plans does not absolve the Commission from its Section 451 obligations. Advantages of adopting a CPUC process would include:

- There would be an evidentiary record of safety deliberations. (CEJA)
- Safety requirements from the Commission, parties, and WSD can be incorporated into WMPs prior to their issuance. (MGRA, SCE)
- The right of discovery and evidentiary examination of utility claims is maintained. (MGRA, SCE, PG&E)

- Intervenors have the ability to dedicate legal and expert resources through the Commission's intervenor compensation program.
- The burden on WSD to analyze and incorporate comment is reduced since many party issues will be addressed prior to WMP issuance.
- The WSD and OEIS would be given the time to develop their own evidentiary and review processes (should they wish to) without infringing stakeholder rights during the development period.

6. CONCLUSION

MGRA agrees with Will Abrams that "it is important that we not confuse urgency with expediency. We need to break this cycle of wildfires followed by Investor Owned Utility (IOU) accountability avoidance followed by rushed risk mitigation plans."[60] Nearly all parties accept that a robust WMP review process needs to occur, including IOUs. However, given the uncertainties related to the interpretation of the Public Utilities Code changes under AB 1054 it is not clear that any substantive public review, rushed or unrushed, will occur in the future. It is the Commission's duty under Public Utilities Code 451 to ensure that IOUs provide safe and reliable electric service, and under this auspice the Commission needs to step forward and ensure that all ratepayer, resident, and stakeholder rights are protected by ratifying WMPs that are fully vetted and that have addressed party and Commission input.

Respectfully submitted this 18th day of November, 2019,

By: __*/S/*____***Diane Conklin***_____

Diane Conklin
Spokesperson
Mussey Grade Road Alliance
P.O. Box 683
Ramona, CA 92065
(760) 787 – 0794 T
(760) 788 – 5479 F
dj0conklin@earthlink.net

[60] Abrams Workshop Comments; p. 3.