



February 2, 2024

Wildfire Safety Advisory Board
715 P Street, 20th Floor
Sacramento, CA 95814

RE: Comments of the California Municipal Utilities Association on the Draft Policy Paper on Updating Vegetation Management Regulations and Industry Practices and the Draft Policy Paper on Updating Utility Regulations in Light of Climate Change and Wildfire Risks

Dear Wildfire Safety Advisory Board,

The California Municipal Utilities Association (CMUA) respectfully submits these comments to the Wildfire Safety Advisory Board (WSAB) on the Draft Policy Paper on Updating Vegetation Management Regulations and Industry Practices (Draft UVM Policy Paper) and the Draft Policy Paper on Utility Regulations in Light of Climate Change and Wildfire Risks (Draft New and Amended Utility Regulations Policy Paper), both of which were issued on December 4, 2023 and subsequently revised on January 22, 2024. At the WSAB's January 7, 2024 Board Meeting, the WSAB will consider approving the Draft Policy Papers and submitting them to the Office of Energy Infrastructure Safety (OEIS). OEIS will then consider WSAB's input as part of OEIS's review of the CPUC's utility safety regulations and its development of recommendations to the CPUC on potential updates to the existing general orders.

I. INTRODUCTION

CMUA's membership includes publicly-owned electric utilities (POUs) that operate electric distribution and transmission systems that serve approximately 25 percent of the electricity load in California. POUs develop their own wildfire mitigation plans (WMPs) under the guidance and direction of their locally elected governing boards and POUs submit these WMPs to the WSAB to review and provide recommendations on the content and sufficiency of the POU WMPs.¹ Additionally, the POUs recognize that the California Public Utilities Commission's (CPUC) General Orders (GOs) 95, 128, and 165 define key industry practices and incorporate these standards into their technical procedures. Because POUs follow these GOs, the POUs have historically participated in any regulatory proceeding considering changes to these standards.

The WSAB's Draft Policy Papers include a wide range of recommendations for OEIS to consider both as part of the new requirements that OEIS adopts for the WMPs of the investor-owned utilities (IOUs) as well as part of recommendations from OEIS to the CPUC on amending GOs 95, 128, and 165. As any recommendations to the

¹ Cal. Pub. Util. Code § 326.2(c).

CPUC could ultimately impact POU's, CMUA is providing this letter to identify areas of support as well as recommended changes to the Draft Policy Papers.

CMUA urges the WSAB to ensure that any recommended changes to the GOs retain the ability of utility experts at each POU to choose the combination of operational approaches and wildfire mitigation measures that are best suited for the specific area and utility system of the POU. Overly restrictive regulations can result in negative safety outcomes and/or unnecessary costs. Additionally, CMUA encourages the WSAB to review the CPUC's various rulemakings (both historical and current) impacting the GOs and utility safety practices and ensure that the WSAB's recommendations are not duplicative of existing CPUC requirements. If a specific recommendation has been recently considered and rejected by the CPUC, the WSAB should clarify what events/changes support reconsideration of these topics at this time. Finally, the WSAB should encourage OEIS to invite utility subject matter experts to participate early in this process to help shape the proposals to the CPUC. Doing so will make the recommendations more effective and will result in a faster and more productive regulatory process at the CPUC.

In the sections below, CMUA provides its comments on each of the two identified Draft Policy Papers. The following is a summary of CMUA's comments on the Draft UVM Policy Paper:

- CMUA supports WSAB's recommendation for OEIS to host a meeting that brings industry experts together to discuss the WSAB's recommendations in the Draft UVM Policy Paper.
- CMUA encourages OEIS and the WSAB to directly engage with the GO 95/128 Rules Committee to get expert input on how and/or if these recommendations should be implemented through GO 95.
- CMUA has concerns with the WSAB's proposal to overhaul Rule 35 of GO 95 to incorporate expansive operational provisions. Instead, CMUA encourages the WSAB to consider options outside of the CPUC's GOs for addressing the identified concerns.
- CMUA recommends that the WSAB modify its recommendations on Right Tree Right Place to include an expanded role for state agencies to engage on this topic.

The following is a summary of CMUA's comments on the Draft New and Amended Utility Regulations Policy Paper:

- CMUA supports the regular review of the CPUC's safety GOs and urges the WSAB and OEIS to engage directly with the GO 95/128 Rules Committee, which already provides significant support for reviewing and updating GO 95, 128, and 165.
- CMUA supports a six-year High Fire Threat District map update cycle.
- CMUA supports a new GO 95 Rule that would expand the ability of an electric utility to utilize experimental designs for pilot projects.
- CMUA urges the WSAB to advocate for and support state agency involvement in funding, installing, and monitoring advanced technologies, such as cameras, weather stations, sensors, and the use of satellite imagery. Many of these technologies are not cost effective for individual POU's and therefore, state

agency involvement could help serve the broader wildfire reduction goals without disproportionately burdening the ratepayers of an individual utility.

- The WSAB should not recommend changes to the GOs that would force any specific mitigation measure to be used. Instead, the electric utility should have the flexibility to choose from a combination of options from among the many different mitigation measures based on what provides the safest and most cost-effective approach for that specific area.
- CMUA recommends that WSAB reframe some of its recommendations to request input from industry experts on the relative risks involved and the effectiveness of the proposed solution.

II. COMMENTS ON DRAFT VEGETATION MANAGEMENT POLICY PAPER

A. OEIS-Hosted Workshop on WSAB Recommendations

The Draft UVM Policy Paper includes a wide range of recommended changes to utility practices that, if adopted, could impose many new requirements on the vegetation management programs of the electric utilities, in a one-size-fits-all approach. While CMUA supports the *evaluation* of these proposals in order to identify areas where safety outcomes can be cost-effectively improved, CMUA suggests that WSAB recommend that OEIS carefully evaluate these recommendations with direct involvement from industry subject matter and technical experts. Therefore, CMUA supports the WSAB's recommendation for OEIS to hold a follow-up scoping meeting to discuss these recommendations. For each topic being considered, CMUA recommends that OEIS invite industry experts to (i) identify the risks associated the problem identified by the WSAB, (ii) describe what the current industry practices are for addressing those risks, (iii) describe why the current industry practice is insufficient to address those risks, and (iv) explore alternatives to the specific recommendation. OEIS can then use this discussion and subsequent stakeholder input to identify those recommendations most appropriate for subsequent action.

B. GO 95/128 Rules Committee

The Draft UVM Policy Paper recommends that a significant number of vegetation management practices be added to GO 95. CMUA encourages both the WSAB and OEIS to directly engage with the GO 95/128 Rules Committee (Rules Committee) to get expert input on how and/or if these recommendations should be implemented through GO 95. The Rules Committee is an ad hoc committee of technical experts from electric utilities, communications utilities, cable television companies, trade associations, and labor unions, which was formed in 1967 for the utilities to keep the GOs up to date.² Numerous POUs are members of the Rules Committee and have a long history of actively participating and serving in leadership roles. The Rules Committee meets twice a year and its meetings are open to the public.

A key benefit of the Rules Committee is that it provides a forum for industry experts to raise, debate, and review technical issues outside of a formal CPUC proceeding. This allows for a free exchange of ideas without the fear of waiving legal rights or committing their company to certain formal positions. This is a useful approach to drafting technically sound language that can be incorporated into the engineering and operational standards of the GOs. CPUC proceedings that have considered GO proposals that were not vetted through the Rules Committee suffered because significant time and effort needed to be spent on the technical aspects of the proposals rather

² See D.73195, Oct. 17, 1967.

than the underlying goals and policies. This resulted in significantly longer CPUC rulemakings, which wasted the valuable resources of the CPUC, utilities, and other stakeholders.

Inviting the participation of the Rules Committee in the OEIS process for evaluating potential recommendations to the CPUC would help to determine which of the recommended changes are appropriate for GO 95, and if so, how to frame the proposal to fit within the broader structure of GO 95. The Rules Committee can also identify potential problems or unexpected consequences of the proposals.

C. UVM Changes to GO 95

The primary purpose of GO 95 is to establish the “design, construction, and maintenance” standards for overhead lines.³ These design, construction, and maintenance standards need to be stable because the utilities build their programs around these requirements and the facilities constructed to these standards are intended to have long lifespans. Frequent changes would be costly and disruptive to the normal operations of electric utilities. Therefore, GO 95 is not updated on a frequent basis and when it is revised, the CPUC generally utilizes a lengthy regulatory process with extensive involvement from the utility subject matter experts. Further, the vegetation management provisions of Rule 35 of GO 95 are not intended to be a detailed and comprehensive regulatory regime but are instead the high-level requirements that must be met in order to maintain the minimum clearance requirements between vegetation and lines. The time-of-trim guidelines are only recommendations and give express direction for the utility to “determine and apply additional appropriate clearances” based on the specific characteristics of affected poles and lines.

The recommendations in WSAB’s Draft UVM Policy Paper would fundamentally transform GO 95 by mandating a wide range of *operational* requirements for each utility program relating to vegetation management. The proposals include requirements for: (i) worker training and certification requirements, (ii) the use of remote sensing technologies, (iii) mid-cycle trim requirements, (iv) compliance with worker safety requirements, (v) the use of pesticides and herbicides, (vi) limits on trimming to maintain tree health, (vii) removal and disposal of biomass from UVM activities, (viii) responsibility for work outside the utility’s easement, (ix) aligning GO 95 with Public Resources Code sections 4292 and 4293, (x) addressing hazard trees, (xi) specifying that utilities must comply with a standard like ANSI A300, and (xii) addressing customer refusals to allow trimming on their property. CMUA does not object to OEIS evaluating the merit of these specific recommendations but does have concerns with making these detailed mandates part of GO 95. Unlike the stable design and construction standards of GO 95, vegetation management practices evolve more quickly based on lessons learned and updated science. Additionally, vegetation management varies to a much greater degree across different geographies and systems. GO 95 would be a cumbersome and overly prescriptive mechanism for implementation of most of the WSAB recommendations, and would do so without demonstrable evidence of the effectiveness of these practices across *all* utilities and geographic areas. There are a variety of ways that OEIS and/or the CPUC can give direction on the requirements for utility vegetation management programs that do not involve amending GO 95, such as in the requirements for IOU WMPs or through a CPUC decision.

³ GO 95, Rule 11 (“The purpose of these rules is to formulate, for the State of California, requirements for overhead line design, construction, and maintenance, the application of which will ensure adequate service and secure safety to persons engaged in the construction, maintenance, operation or use of overhead lines and to the public in general.”).

CMUA recommends that the WSAB modify the Draft UVM Policy Paper to remove the references to GO 95 and instead recommend that OEIS evaluate each proposal in collaboration with the utilities and determine both the merit of the proposal and the appropriate regulatory vehicle for each proposal.

D. Right Tree Right Place

The WSAB recommends that Right Tree Right Place (RTRP) programs be better defined and promoted to encourage strategic tree planting both by the utilities and the property owners. CMUA supports this recommendation but also encourages the WSAB to advocate for greater involvement by relevant state agencies to promote RTRP on a statewide level. While many local governments have RTRP programs, there is still a significant challenge in getting the message out to property owners. A statewide ad campaign paired with other incentives could bolster these programs, and the WSAB is uniquely situated to help encourage funding for this effort.

III. COMMENTS ON DRAFT NEW AND AMENDED UTILITY REGULATIONS POLICY PAPER

A. Regular Scheduled Review of GOs

CMUA supports the regular review of the CPUC's safety GOs and urges the WSAB and OEIS to engage directly with the Rules Committee. The Rules Committee already provides significant support for reviewing and updating GOs 95, 128, and 165 and coordinating any regular reviews with them would promote regulatory efficiency and sound public policy. If the WSAB and/or OEIS create a formal process for evaluating the current state of the GOs on a fixed schedule, then CMUA recommends that the Rules Committee be expressly included in that process.

B. HFTD Map Updates

The POUs were actively engaged in the CPUC's HFTD map development process. Nearly every POU served as the "Territory Lead" that was responsible for proposing adjustments to the model-derived, "Shape B" map area within their service territories. These proposed modifications to Shape B were subject to approval by a peer review group and then by an independent review team that was led by the California Department of Forestry and Fire Protection (CAL FIRE). These Shape B maps together comprise the statewide HFTD map. Any update to the CPUC's HFTD Map would directly impact the POUs and POUs would need to be involved in order to lead the update process within their service territories.

On April 19, 2023, the CPUC's Public Advocates Office ("Cal Advocates") filed a petition to modify the CPUC's decisions adopting the HFTD maps.⁴ The Cal Advocates petition recommended that the CPUC modify the HFTD map decisions to (i) "update mapping of the [CPUC's HFTD] areas, and all similar or analogous high risk fire areas in California's regulated service areas to reflect the most up to date wildfire risks;" and (ii) to "require that all of California's regulated electric Investor Owned Utilities update the HFTD maps in their service territories once every five years, to show the latest areas that are subject to the highest wildfire risk."⁵

⁴ See Cal Advocates, *Petition for Modification of Decision 20-12-030, D.17-12-024 and D.17-01-009 in Order to Update High Threat Fire District Mapping*, April 19, 2023.

⁵ Cal Advocates PFM at 1-2.

CMUA filed a response to Cal Advocates' petition that supported the proposal and suggested a slight modification. CMUA's response noted that there have been significant developments since the adoption of the HFTD map, including numerous catastrophic wildfires, advancements in fire modeling science, and an increase in data available to help inform these maps. Additionally, both IOUs and POU's are statutorily obligated, as part of the wildfire mitigation plan process to perform an annual evaluation of the fire threat areas within their service territories and identify areas that have a higher threat than is identified in the Commission's HFTD map.⁶ A regular update to the HFTD map is consistent with this existing obligation.

While CMUA agreed that a five-year revision cycle was reasonable, it would create a misalignment with the current wildfire mitigation plan development process. Both IOUs and POU's are required to perform a comprehensive revision to their wildfire mitigation plans at least once every three years.⁷ A five-year map update cycle would be out of step with this three-year cycle, and each subsequent map update would occur at a different point within the wildfire mitigation plan development process. To avoid this misalignment, CMUA recommended that if the CPUC were to adopt an express update requirement for its HFTD map, the CPUC should establish a six-year cycle that coincides with the wildfire mitigation plan comprehensive review cycle. This would allow the map development process to be completed in advance of every other comprehensive revision to the wildfire mitigation plans. This time cycle would be justified by creating a process that allows utilities to incorporate the results of the updated mapping process into their mitigation efforts. Consistent with CMUA's prior recommendation to the CPUC, CMUA recommends that the WSAB modify its Draft New and Amended Utility Regulations Policy Paper to recommend a six-year revision cycle.

C. Experimental Design Rule

CMUA supports the WSAB's proposal for a new GO 95 Rule that would expand the ability of electric utilities to utilize experimental designs for pilot projects. CMUA notes that POU's do not utilize the CPUC's advice letter process and relying on a CPUC approval would present jurisdictional challenges. CMUA recommends that the WSAB propose that any new GO 95 rules be structured to support the use by both IOUs and POU's.

D. Funding, Deployment, and Operation of Advanced Technologies

The WSAB's Draft New and Amended Utility Regulations Policy Paper recommends a new CPUC GO be created that would specify the necessity and use of various advanced technologies, including cameras, Lidar, sensors, satellite imagery, and weather stations. As described above, many of the CPUC's GO's are followed by the POU's, and therefore, any such recommendation should consider impacts on POU's. For many of the POU's, the use of these advanced technologies may not be feasible or the relative risk reduction benefits may not justify the cost and administrative burden. For smaller POU's in particular, finding the funding and staff resources to install this equipment and effectively monitor this data can be extremely challenging. CMUA recommends that

⁶ Cal. Pub. Util. Code § 8387(b)(2)(K) ("Identification of any geographic area in the local publicly owned electric utility's or electrical cooperative's service territory that is a higher wildfire threat than is identified in a commission fire threat map, and identification of where the commission should expand a high fire-threat district based on new information or changes to the environment."); Cal. Pub. Util. Code § 8386(c)(17) ("Identification of any geographic area in the electrical corporation's service territory that is a higher wildfire threat than is currently identified in a commission fire threat map, and where the commission should consider expanding the high fire threat district based on new information or changes in the environment.").

⁷ Cal. Pub. Util. Code § 8386(b); Cal. Pub. Util. Code § 8387(b)(1).

the WSAB Draft New and Amended Utility Regulations Policy Paper acknowledge that these technologies may not be viable options for all utilities.

Additionally, CMUA urges the WSAB to advocate for and support state agency level involvement in funding, installing, and monitoring these advanced technologies. State agency involvement could help serve statewide goals without disproportionately burdening the ratepayers of an individual utility. State agency and academic institutions are also more likely to be able to effectively monitor and use the data to mitigate fire risks and quickly identify newly ignited wildfires. The newly established Wildfire Forecast and Threat Intelligence Integration Center (WFTIIC) is already taking on many of these tasks and CMUA encourages the WSAB to directly engage with the WFTIIC.

E. Existing Regulatory Requirements

Several of the WSAB's recommendations in the Draft New and Amended Utility Regulations Policy Paper relate to topics that are either already a requirement adopted by the CPUC or similar to recommendations that have already been considered and addressed or rejected by the CPUC. CMUA recommends that the WSAB note the relevant CPUC decisions in its Draft New and Amended Utility Regulations Policy Paper and recommend that OEIS evaluate these prior actions to ensure that its recommendations are not duplicative of existing requirements. For proposals that have already been considered by the CPUC, the WSAB should recommend that OEIS determine if there have been any relevant changes or developments that would merit reconsideration.

1. Hardware Database

The WSAB's Draft New and Amended Utility Regulations Policy Paper recommends that a new GO be adopted to give guidance to the IOUs on the creation and maintenance of a geospatial hardware database. In Decisions 20-07-004 and 21-10-019, the CPUC adopted pole database requirements for the five largest pole owners in the state, including the three large IOUs. Each of these pole owners must maintain a database, through which attachers to poles can access and upload information on the attachments to these poles. This pole data includes the following information for each pole attachment: (i) owner, (ii) identification number, (iii) approval status, (iv) location on pole, (v) description, (vi) dimensions, and (v) weight. The WSAB should identify how their recommendation differs from or complements this requirement.

2. Cross Arm Construction

The WSAB's Draft New and Amended Utility Regulations Policy Paper recommends updating GO 95 to give guidance on the increased conductor spacing to avoid line slapping and phase-to-phase faults. These topics were discussed extensively in the CPUC's prior rulemaking considering changes to GO 95 and additional requirements were adopted through D.14-02-015. The WSAB should recommend that OEIS evaluate the record of the CPUC's proceeding and assess any relevant changes or developments to determine if additional changes are merited.

3. Temperature and Loading Standards

The WSAB's Draft New and Amended Utility Regulations Policy Paper recommends reevaluating the temperature and wind loading standards in GO 95 to protect against failures caused by weather extremes. These topics were also discussed extensively in the CPUC's prior GO 95 rulemaking and major changes were made to the strength requirements for poles through an adjustment to the application of safety factors. Relevant changes

were adopted in D.14-02-015 and D.20-10-010. The WSAB should recommend that OEIS evaluate the record that led to these two decisions and the solutions adopted by the CPUC and assess any relevant changes or developments to determine if further changes are merited.

4. Prioritization of Maintenance Tag Resolution

The WSAB's Draft New and Amended Utility Regulations Policy Paper recommends creating a new GO to provide guidance to the IOUs on the appropriate prioritization of utility maintenance tags. CMUA notes that Rule 18B of GO 95 mandates that every utility have an auditable maintenance program that categorizes corrective actions into a least three levels of safety risk and a minimum correction time period based on that risk level, including if the pole is located in the HFTD. CMUA recommends that the WSAB evaluate the overlap between the requirements of Rule 18B and any potential new GO covering maintenance tags.

F. Regulations Limiting the Selection of Mitigation Measures

Many of the recommendations in the Draft New and Amended Utility Regulations Policy Paper would mandate the use of certain wildfire mitigation measures in certain circumstances, such as pole wraps, covered conductor, Lidar, and enhanced inspections. Currently, these wildfire mitigation measures are considered and selected through a process that is described in each utility's WMP. A key advantage of this process is that the mitigation measures applied to specific areas can be customized based on the relative wildfire risks, geography, system characteristics, and the needs of local communities. To the extent that improvements can be made to these mitigation measures, the current WMP process provides the opportunity for OEIS to give that direction to the IOUs and for the WSAB to provide recommendations to the POUs. This structure allows for flexibility in choosing the mix of mitigation measures that will be most effective in any given area and reduce costs. However, if these recommendations become requirements that are amended into the GOs, they then become minimum requirements that are broadly applicable. The severity and nature of wildfire risks vary greatly across California and new technologies are being developed each year. This means that many mitigation measures that may be appropriate for one region would be ineffective or unnecessary in others. Further, technologies that may be the best practice today, may be replaced by new technologies in just a few short years.

The WSAB should modify its Draft New and Amended Utility Regulations Policy Paper to include recommendations on the use of these measures within the framework of the WMPs, rather than through a GO.

G. Recommendations that Merit Further Discussion Among Stakeholders and Industry Experts.

In reviewing the WSAB's Policy Papers with POU subject matter experts, certain proposals were identified as meriting additional discussion either relating to the risk identified or to the effectiveness of the proposed solution. CMUA recommends that OEIS invite stakeholder and industry input before adopting and submitting these proposals to the CPUC.

1. Safety of Pad Mounted Equipment

The WSAB's Draft New and Amended Utility Regulations Policy Paper recommends reevaluating the design, construction, and safety requirements for pad mounted equipment. In light of the limited resources of California's utilities and the need to mitigate the highest risks, CMUA recommends evaluating if the cost and effort of revising

the requirements applicable to pad mounted equipment is justified in light of the low risk posed by those facilities. Further, vehicles are a major cause of damage to pad-mounted equipment and protecting against vehicle strikes would be very costly.

2. Pole Height

The WSAB Draft New and Amended Utility Regulations Policy Paper recommends that GO 95 be revised to give guidance on pole height to ensure circuits are well above the tree canopy. CMUA encourages further consideration of this proposal. A utility will not necessarily know what tree species will eventually grow under/near a pole over the pole's lifetime at the time of installation. Further, there may be other more cost-effective solutions than installing taller poles. This may also be something that is better coordinated with the RTRP advocacy efforts.

3. Splices

The WSAB Draft New and Amended Utility Regulations Policy Paper recommends that GO 95 set limits on the number of splices on a circuit. This has raised significant concerns because splices may be necessary for many reasons and splices do not impact reliability or wildfire risk. OEIS should invite further input and discussion on this proposal.

4. Equipment Rated Capacities

The WSAB Draft New and Amended Utility Regulations Policy Paper recommends that GO 95 be amended to specify that equipment used on the system should not exceed its rated capacity. There are applicable ANSI and IEEE standards that give the guidance on when equipment may be used at higher temperatures. GO 95 should not preclude these options.

5. Operation of Switches

The WSAB Draft New and Amended Utility Regulations Policy Paper recommends that GO 95 be amended to give guidance on the safe closing and opening of switches. The operation of switches is dictated by the manufacturer and differs based on type/style. This should not be specified in GO 95.

IV. CONCLUSION

CMUA appreciates the opportunity to provide these comments to WSAB on the Draft Policy Papers. We look forward to working collaboratively with the WSAB and participating in the OEIS process to support its efforts in making recommendations to the CPUC.