



January 27, 2022

**SUBJECT: Proposed Independent Evaluator List Addition for Public Comment**

The Office of Energy Infrastructure Safety (Energy Safety)<sup>1</sup> and the California Department of Forestry and Fire Protection’s (CAL FIRE) Office of the State Fire Marshal (OSFM) have sought participation from individuals with experience in assessing the safe operation of electrical infrastructure to form a list of qualified Independent Evaluators (IEs). This correspondence is to announce that a proposed addition to the list of qualified IEs has been established, based on the reposting of Request for Qualifications (RFQ) 21-89482 on December 17, 2021, and that Energy Safety and OSFM are actively seeking public comment on the matter.

**Background**

In accordance with Public Utilities Code (PU Code) 8386.3(c)(2)(A), by March 1 annually, Energy Safety, in consultation with CAL FIRE, shall make available a list of qualified IEs with experience in assessing the safe operation of electrical infrastructure. Each electrical corporation shall engage an IE listed pursuant to subparagraph (A) to review and assess the electrical corporation’s compliance with its’ wildfire mitigation plan (WMP). The engaged IE shall consult with, and operate under the direction of, Energy Safety. Costs incurred for hiring listed IEs shall be the sole responsibility of the electrical corporation and not Energy Safety or CAL FIRE.

On January 24, 2022, Energy Safety, in consultation with CAL FIRE, published the list of qualified IEs. However, due to the limited number of applications received in response to the initial RFQ posting, Energy Safety and CAL FIRE reposted RFQ 21-89482 on December 17, 2021, to solicit interest from additional firms interested in becoming enlisted as qualified IEs.

**Legislative Review**

- PU Code 8386.3(c)(2)(B)(i-iv) state, “(i)...The independent evaluator shall issue a report on July 1 of each year in which a report required by paragraph (1) is filed. As a part of the independent evaluator’s report, the independent evaluator shall determine whether the electrical corporation failed to fund any activities included in its plan.

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<sup>1</sup> Pursuant to Public Utilities Code Section 326(b), on July 1, 2021, the California Public Utilities Commission’s (Commission) Wildfire Safety Division (WSD) transitioned from the Commission into the Office of Energy Infrastructure Safety (Energy Safety), a new department under the California Natural Resources Agency. Energy Safety “is the successor to” and “is vested with all of the duties, powers, and responsibilities of the Wildfire Safety Division” (Government Code Section 15475), including, but not limited to, jurisdiction for evaluating and approving or denying electrical corporations’ WMPs and evaluating compliance with regulations related to the WMPs. Any references to WSD in this document or in statute are inadvertent and should be interpreted as the actions of Energy Safety as appropriate.



(ii) The Wildfire Safety Division shall consider the independent evaluator’s findings, but the independent evaluator’s findings are not binding on the division, except as otherwise specified.

(iii) The independent evaluator’s findings shall be used by the Wildfire Safety Division to carry out its obligations under Article 1 (commencing with Section 451) of Chapter 3 of Part 1 of Division 1.

(iv) The independent evaluator’s findings shall not apply to events that occurred before the initial plan is approved for the electrical corporation.”

- PU Code 8386.3(c)(3) states, “The commission shall authorize the electrical corporation to recover in rates the costs of the independent evaluator.”
- In summary, PU Code 8386.3(c)(5)(C) requires the IE to perform the following tasks:
  - Task 1 – Consult with Energy Safety on compliance assurance auditing that will be performed,
  - Task 2 – Perform compliance assurance auditing, including field inspections,
  - Task 3 – Draft and provide to Energy Safety a report on audit findings, including deficiencies of underfunded WMP activities,
  - Task 4 – Draft and provide to Energy Safety a report on deficiencies of electrical corporation’s and expected resolution timelines, and
  - Task 5 – Track and report deficiencies of audit findings.

**Proposed Independent Evaluator List for Public Comment**

Below is the proposed additional Independent Evaluator to supplement the initial list published on January 24, 2022. The IE team has been assessed and approved based on the criteria found within the Request for Qualifications (RFQ) 21-89482 that was posted to [www.CaleProcure.ca.gov](http://www.CaleProcure.ca.gov) from December 17, 2021 through January 12, 2022.<sup>2</sup>

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| <b>Primary: Sargent &amp; Lundy Engineers, Ltd.</b> |
| <b>Team Members:</b><br>ICON Utility Services       |

<sup>2</sup> Following the end of the final RFQ response date on January 12, 2022, Energy Safety and CAL FIRE received notice that additional firms were interested in submitting applications for consideration of enlistment as a qualified IE. Accordingly, RFQ 21-89482 was reposted again on January 19, 2022, and will remain open until February 4, 2022. Applications received in response to the second reposting will be subject to the same process used to develop this initial proposed list. Any applicants that are deemed qualified will supplement the current list upon final approval and following public comment.



**Conditions for Hire**

All proposed IEs, unless otherwise stated, are approved to perform the work as stipulated in PU Code 8386.3(c)(5)(C) and as outlined in the scope of work in RFQ 21-89482.

**Public Comment**

The Proposed Independent Evaluators List Addition is presented to stakeholders for public comment. Energy Safety plans to review and incorporate public comments in late early February 2022 and release an updated list of qualified Independent Evaluators no later than February 28, 2022.

Interested stakeholders may submit comments on the Proposed Independent Evaluators List Addition to the 2022-IE docket on the Energy Safety e-Filing System by **February 3, 2022**.<sup>3</sup> File names of submitted comments must be titled: “Stakeholder Name – 2022 Proposed IE List Addition Comments.”

For questions regarding the information contained within this letter, please contact **Koko Tomassian, Program Manager** in Energy Safety, at [Koko.Tomassian@energysafety.ca.gov](mailto:Koko.Tomassian@energysafety.ca.gov), with a copy to [Compliance@energysafety.ca.gov](mailto:Compliance@energysafety.ca.gov).

We look forward to any questions or comments.

Respectfully,

**Koko Tomassian**  
Program Manager  
Compliance Assurance Division  
Office of Energy Infrastructure Safety

**Jeff Fuentes**  
Battalion Chief, Utility Fire Mitigation  
California Department of Forestry and  
Fire Protection

*In partnership with*

<sup>3</sup> The 2022-IE docket can be access through the Energy Safety e-Filing System here: [Docket #2022-IE \(ca.gov\)](https://www.energysafety.ca.gov/docket/#2022-IE).