

**BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF CALIFORNIA**

Office of Energy Infrastructure Safety
California Natural Resources Agency

2022 Wildfire Mitigation Plan Updates
Large Investor Owned Utilities

**WILLIAM B. ABRAMS REPLY COMMENTS
ON THE 2022 WILDFIRE MITIGATION PLAN UPDATES**

Transmittal via email and through the Office of Energy Safety E-Filing System

William B. Abrams
Community Advocate
Sonoma County Resident
1519 Branch Owl Place
Santa Rosa, CA, 95409
(707) 397-5727

April 18, 2022

Email: end2endconsulting@gmail.com

WILLIAM B. ABRAMS REPLY COMMENTS
ON THE 2022 WILDFIRE MITIGATION PLAN UPDATES

INTRODUCTION

Other public and ratepayer advocates have made strong arguments to help support improvements to the utility proposed 2022 Wildfire Mitigation Plans (WMPs). Given these critiques on behalf of the public interests, it will be extremely important for the Office of Energy Infrastructure Safety (OEIS) to consider remedies to these issues before contemplating the approval of these consequential plans. Unfortunately, AB1054 legislation has largely stripped the California Public Utilities Commission (CPUC) of any discretionary authority regarding plan approval and ensured OIES was under-resourced for their monumental tasks. Especially under these challenging regulatory conditions, it is more important than ever that the voices of intervenors be considered and that outside subject matter experts be consulted to evaluate the effectiveness of these plans. As a wildfire survivor, I know first-hand that the safety and security of our communities hang in the balance of these decisions and that we all must collaborate towards solutions.

Despite these collaborative efforts and mutual goals, it is also the sole mandated requirement of our Investor Owned Utilities (IOUs) to put forward a “reasonable” and prudent plan to address growing wildfire risks. While there are accolades, criticisms and improvements that can and will be made across the submitted WMPs, the proposed 2022 WMP update from Pacific Gas and Electric Corporation (PG&E) is not reasonable and demonstrably dangerous to the communities across Northern California. We should not divorce our analysis of the PG&E WMP from their catastrophic and largely criminal history because to do so would lead us to only repeat historic failures and undermine the safety and security of our communities. The formation of the Office of Energy Infrastructure Safety is new but that should not mean that we operate from a blank page and a clean slate as we consider the proposed WMP updates. If we close our eyes to the evidence put forward in other courts and look away from the negligent and reckless operations of PG&E within our communities, we will ineffectually be looking at these WMPs in

an environmental and operational vacuum. Respectfully, this type of regulatory lens is unhealthy, unwise and will undermine our efforts to mitigate the risks of utility-caused wildfires.

REPLY COMMENTS

As the Office of Energy Infrastructure Safety considers these 2022 Wildfire Mitigation Plan updates and given their new and under-resourced mandates, it will be helpful to consider how regulatory oversight responsibilities and these types of plans are treated within other industries. Specifically, we should look to the Federal Aviation Administration (FAA) in their response Boeing after the 737 Max catastrophic crashes as a useful case study for consideration by OEIS and the CPUC. Before contrasting the corporate and regulatory responses across these industries, it is important to note that Boeing and the FAA were responding to two plane crashes of the 737 Max (Lion Air, October 2018 and Ethiopian Air, March 10, 2019) while PG&E through their WMP is accounting for exponentially more catastrophic incidents that have devastated our communities year-after-year including the 2017 PG&E North Bay Fires that burned down my community and others up to and including the 2021 Dixie Fire.

The initial response from the FAA to address Boeing's culpability was widely viewed as inadequate and insufficient oversight given that the "self-certification" process was seen as affording too much discretion to Boeing. The FAA had cited a lack of funding and human resources as a justification for why they permitted this self-certification process. However, one FAA safety engineer stated that "*we need to make sure the FAA is much more engaged in failure assessments and assumptions that go into them*" and that "*review was rushed to reach certain certification dates.*"¹ Similarly rushed, it seems that the Office of Energy Safety by denying my request for an extension associated with these reply comments runs the risk of prioritizing the expediency of plan approval over the efficacy of the plans to address growing wildfire

¹ See The Seattle Times, "Flawed analysis, failed oversight: How Boeing, FAA certified the suspect 737 Max Flight Control System, March 21, 2019, <https://www.seattletimes.com/business/boeing-aerospace/failed-certification-faa-missed-safety-issues-in-the-737-max-system-implicated-in-the-lion-air-crash/>

challenges.² Unfortunately, this puts intervenors like me at a significant disadvantage in evaluating the reasonableness of plans given that the Commission’s Rules of Practice and Procedure 14.3(c) only permit comments on “factual, legal or technical errors” with subsequent intervenor comment periods. Now, the FAA being called out regarding their rush to approve the airworthiness of the 757 Max despite obvious failings from Boeing is not unlike the OEIS response to the findings made in a recent California State which stated “*The Energy Safety Office Awarded Safety Certifications to Utilities Despite Serious Deficiencies in Their Mitigation Plans*” and then after OEIS objections to these findings they emphasized that “*Although the Energy Safety Office believes that it has the authority to act on the concerns identified in the report, we question why it has not yet taken such action... Six of the State’s largest wildfires, including the utility-caused Dixie Fire that started in July 2021, have occurred since January 2020, when the office’s predecessor organization, the Wildfire Safety Division, was created. Given the damage that utility-caused wildfires have caused and the threat they continue to pose, a more proactive approach is necessary.*”³

As we can see, both the FAA in response to Boeing’s catastrophic failures and OEIS in response to PG&E’s catastrophic failures were found to be too reliant on self-correction by the corporations they regulate despite “clear deficiencies.” Substantiating these conclusions, last week’s statements from the District Attorney Offices on recent PG&E criminal cases made it clear that PG&E was “reckless” in terms of their wildfire mitigation activities and pointed to a laundry list of failed mitigation policies and procedures that led to these reckless acts.⁴ The Sonoma County DA stated to me directly within the April 11, 2022 press conference that “*PG&E bears responsibility... which is why we entered into a stipulated judgement regarding their reckless acts up at the Geysers.*”⁵

² See “*Energy Safety response to Pacific Gas and Electric Company’s request for extension to respond to Will Abrams’ April 12, 2022 data request and Will Abrams’ counter request*”, April 15, 2022

³ See California State Auditor Report, March, 2022 “*Electrical System Safety: California’s Oversight of the Efforts by Investor-Owned Utilities to Mitigate the Risk of Wildfires Needs Improvement*”

⁴ See Sonoma County District Attorney Press Release regarding the 2018 Kincade Fire Settlement, April 11, 2022, <https://da.sonomacounty.ca.gov/pgande-resolves-prosecution-of-kincade-fire>

⁵ See Press Conference of Sonoma County District Attorney, April 11, 2022, (mark 14:05), <https://www.facebook.com/ABC10tv/videos/1865276903862889>

Now, if we look closely at the FAA’s responses to these early criticisms, this should help inform the OEIS response in this case where PG&E has once again submitted a clearly deficient Wildfire Mitigation Plan. Specifically, the “Summary of the FAA’s Review of the Boeing 737 Max: Return to Service of the Boeing 737 Max Aircraft” report can be instructive as we consider PG&E’s WMP.⁶ Please, refer to Attachment A and the following three areas of focus within the FAA report:

1. **Corrective Actions** – Boeing identified corrective actions to the FAA which they in turn reviewed, approved, amended and supplemented to ensure safety. These corrective actions encompassed at least 25 different focus areas which were mapped to specific points of corporate failure.⁷ These actions directly addressed technical failures of the systems within the aircrafts but also the failures associated with operations, training and management. Unlike Boeing’s response, PG&E has not indicated ANY corrective actions to address the specific failures of the catastrophic fires that they cause within their WMP. My comments identified 39 focus areas that deserve specific corrective actions based solely upon one of the catastrophic fires (Kincade) and only based on pre-trial evidence. Whenever the CalFire report becomes part of the public record, I am sure other evidence will provide a longer list of failures that should be addressed by PG&E. If PG&E viewed the WMP as a mitigation plan, these catastrophic failures would have been addressed in prior years. Instead, PG&E continues to leverage the WMP as a document to mitigate financial liabilities which keeps them from directly addressing the causes of past fires.
2. **Return to Service Directives** – Specific actions and prerequisites were identified before Boeing was permitted to have the 737 Max return to service.⁸ These actions included amended designs, revised operational practices, retooled

⁶ See Attachment A: Summary of the FAA’s Review of the Boeing 737 Max, November 18, 2020

⁷ See Attachment A: “Summary of the FAA’s Review of the Boeing 737 Max: Return to Service of the Boeing 737 Max Aircraft”, November 18, 2020, pg. 7-9, 20-21, 54-55.

⁸ See Attachment A: “Summary of the FAA’s Review of the Boeing 737 Max: Return to Service of the Boeing 737 Max Aircraft”, November 18, 2020, pg. 13.

maintenance controls and enhanced training. Additionally, the FAA provided a “Continued Air Worthiness Notification to the International Community” (CANIC). All of these directives came from information provided by Boeing as prudent mitigation activities to ensure similar catastrophic incidents did not occur. Contrast this response, with the response from PG&E which again puts forward a WMP that doesn’t provide OEIS with any of the information it would need to ensure corrective actions reasonably address the causes of past fires. PG&E has not provided design changes to transmission towers in response to the Kincade Fire failures. They have not identified how insulators, jumpers, contaminants in cooling towers, low-cycle fatigue or other contributing factors to the Kincade Fire are remedied. In response to my continued probing within the WMP workshop, PG&E simply indicated it was part of their inspections. This is completely insufficient and definitely not a reasonable response given the severity of the issues and the pattern of reckless actions evidenced across the many PG&E caused wildfires.

3. **Compliance Activities** – The FAA approved corrective actions and “Return to Service” prerequisites would not have been possible without Boeing compliance activities. These included access to test plans, system safety analyses and the review of service bulletins. Has PG&E conducted and provided a safety analysis of their insulator strings in response to the Kincade Fire failures? Have they analyzed cooling tower contaminants or low-cycle fatigue across their infrastructure to supplement new safety practices and compliance policies? How has PG&E revised their PSPS protocols given that the Kincade Fire was precipitated by poor power shutoff decision-making? Yes, PG&E has finally rolled transmission infrastructure into their risk models but this is once again completely insufficient given the extent of the failures evidenced by the Kincade pre-trial expert testimony.

Please, keep in mind that my use of the Federal Aviation Administration report and the Kincade Fire pre-trial testimony within these reply comments is only to demonstrate the vast differences between the regulatory accountability of Boeing and that of PG&E. The PG&E

Wildfire Mitigation Plan must transparently reflect post-incident reporting, technical reviews and other analyses along with specific corrective actions that they have taken based upon those materials. The PG&E WMP doesn't undertake any of that type of analysis and self-reflection and is therefore not reasonable. This lack of transparency provided by PG&E leaves OEIS and intervenors with zero basis to understand if the operational and managerial actions proposed within the 2022 WMP update are steps forward or steps backwards in terms of safety. Moreover, PG&E's misappropriation of "black swans" to avoid having to do the hard work of understanding their failures should leave the Commission and Energy Safety feeling much less assured by the proposed WMP.

CONCLUSION

If Energy Safety proceeds to approve the PG&E Wildfire Mitigation Plan, it will do so in direct contradiction with the findings of the California State Audit and to the extreme detriment of our communities. Does OEIS and the CPUC want to take the position that PG&E is both reckless AND reasonable or criminal AND prudent? These contradictions should not be tolerated and it is solely up to PG&E to demonstrate how they have rectified these contradictions through submitting a thoughtful Wildfire Mitigation Plan with specific corrective actions. Simply stated, they have failed to even meet that very low bar in order to preserve the WMP as a document to guard against financial liabilities and assure themselves access to the California Wildfire Fund for their own recovery after future catastrophic wildfires. Of course, we should not subject our families to board a plane from an airline that has not directly addressed the causes of past crashes. Similarly, I submit for Energy Safety and the CPUC's consideration that we should not send our families to live among power lines from an investor-owned utility that has not addressed their ongoing and "reckless" failures.

Respectfully submitted,

William B. Abrams
Sonoma County Resident