

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

Office of Energy Infrastructure Safety
California Natural Resources Agency

2023 Wildfire Mitigation Plans

**WILLIAM B. ABRAMS COMMENTS
ON THE 2023 WILDFIRE MITIGATION PLAN GUIDELINES**

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

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INTRODUCTION

As the Office of Energy Infrastructure Safety (OEIS) takes on the important role of ensuring the efficacy of the Utility Wildfire Mitigation Plans (WMPs), it will be important to learn from process and procedural improvements that were undertaken when the review of these plans was under the purview of the California Public Utilities Commission (CPUC). As a wildfire survivor, I know that we cannot afford steps backward despite the under-resourced mandates given to OEIS. The safety and the security of our California communities are largely contingent upon the success or failure of these plans. I urge OEIS to reflect on best-practices across utilities and outside the utility space in terms of how risk mitigation strategies are developed, reported and executed upon. We must demand forward progress and must not concede to the growing diffusion of responsibility relative to these plans and their enforcement. We have seen in recent years a concerted effort from certain utility stakeholders to dilute the effectiveness and efficiency associated with wildfire mitigation enforcement and oversight. The so called “enhanced oversight” and “6-step process” provides the appearance of increased oversight but only serves to create ambiguity as it relates to roles and responsibilities associated with these plans. We have OEIS with the responsibility to review the plans but NONE of the Public Utility Code (PUC) requirements and procedural integrity to make that review meaningful. Following, the CPUC “shall ratify” regardless of the deficiencies within these plans leaving our primary regulator with little more than a rubber stamp process step.

This watered-down and diffusive review process then leaves the monitoring and enforcement of these plans with similar challenges but spread across multiple stakeholders with overlapping and/or competing authorities. In addition to the oversight responsibilities that are undefined across the CPUC and OEIS, we now have private monitors that are overseen by both the CPUC and now certain District Attorneys precipitated by the recent PG&E Kincade and Dixie Fires. Some may see this type of oversight as “enhanced” but all of this disconnected monitoring just leaves the public without any sense of accountability relative to the monitoring

activities associated with these plans. It also provides our utilities with a patchwork of standards and regulatory burdens that at times are contradictory and often not uniform in their application. When the next utility-caused catastrophic wildfire exposes further weaknesses in our monitoring and oversight approach how will we respond? Who should be responsible for corrective actions stemming from those failed monitoring practices? The current diffusive and undefined monitoring is largely due to the designed dysfunction that certain utility-backed parties pushed across our judicial, legislative and regulatory spaces to ensure easy access to the California Wildfire Fund and to ensure regulations would not get in the way of short-term financial return. These same pressures persist including through legislative efforts like AB2937 that undermine oversight efforts and misalign financial incentives away from risk mitigation activities. Regardless of the form and associated guidelines of the WMPs, I urge Energy Safety to consider how they will be able to make sure roles, responsibilities and accountability associated with the WMP oversight are clear across agency and clearly articulated to the public. Given this context, please consider the following comments in support of Energy Safety and the Commission's goals to advance the efficacy of these plans and reduce catastrophic wildfires.

COMMENTS

I will focus my recommendations on those areas where we can gain some quick-wins and added clarity regarding the direction of the Wildfire Mitigation Plans. Of course, the WMPs should be oriented towards the evaluation and oversight criteria of OEIS but given that those markers have not yet been identified, I will base my comments on the following two goals:

1. **Measurable Wildfire Risk Reduction** – Every section, tactic and process defined within the utility wildfire mitigation plans should be evaluated based upon the degree to which wildfire risk is measurably reduced. If a section of the document cannot clearly demonstrate measured risk reduction, Energy Safety should consider removal from the plan guidelines. There is a business adage that states “you cannot manage what you cannot measure” and this certainly applies to these plans. Each and every tactic and section of the plan should have a corresponding quantified measurement of risk reduction. We should not relegate measurement or metrics to another proceeding or to

another time. Yes, it will be important to ensure that all utilities are using the same measurement approach but a lack of utility alignment should not prevent us from holding utilities to account within the upcoming 2023 WMPs. Importantly, this is very different from the Risk Spend Efficiency (RSE) measures and should be articulated as both an absolute value (Absolute Risk Reduction or ARR) and as a value relative to other mitigation activities (Relative Risk Reduction Ratio or RRR).

2. **Corresponding Monitoring and Oversight** – If the activities, tactics or sections proposed within the WMP do not have a corresponding and independently verifiable monitoring, quality assurance or oversight activity they should not be included within the plan guidelines. Otherwise, these plans will only serve to be utility “self-certification” vehicles which was not the intent of AB1054 legislation and should not suffice given the mission of OEIS. If the CPUC, EOIS or the growing list of “independent” monitors do not have specific quality control tools (QC) to evaluate whether or not activities described within the wildfire mitigation plans are satisfactorily performed then they should not be included within the WMP. Moreover, if there are not specific criteria (quality attributes) identified for what constitutes the success, it should not be permitted within the 2023 WMP Guidelines.

Given these two goals associated with the structure of the Wildfire Mitigation Plans please consider the following recommendations:

- **Timing of WMP Submissions** – The WMP “updates” and more detailed reports submitted by the utilities should really be dependent upon performance. If a particular Investor Owned Utility (IOU) does not achieve a certain quality or risk mitigation threshold (exp. 95%) then they should be required to provide a more substantive WMP. Moreover, if OEIS can reasonably establish that a particular utility ignited a catastrophic wildfire the prior year then the utility should be required to provide a more substantial update. The relative achievement of these quality standards should determine the extent of submissions and not any arbitrary staggered approach that is designed to alleviate the workload of our investor-owned utilities.

- **Public Participation and Reporting Transparency** – Every section of the plan should have a corresponding scorecard that is easily understandable and digestible by California residents. Within prior comments, I have recommended a green, yellow, red type of scoring that corresponds to “exceeds standard”, “meets standard” or “below standard.” However the scores are categorized, the WMP sections and tactics should have the ability to be scored in clear and concise manner. Of course, more detailed quality assurance and monitoring would roll into these high-level scorecards and this public facing scoring should not take the place of more detailed QC measurement by OEIS. This type of score card would enable the public to provide more constructive feedback for Energy Safety as an integrated and core component of WMP guidelines and processes. There should not be any WMP guidelines established without targeted public participation hearings that seek active and representative engagement that mirrors the diversity of interests, expertise and experiences across California. In line with the Commission’s Social and Environmental Justice (ESJ) action plan, this type of public engagement should be central to how Energy Safety reviews these WMPs.
- **Corrective Action Plans** – Detailed and measurable corrective actions should be incorporated within the Wildfire Mitigation Plans that address any and all failures from the prior year as well as those areas of prior year plans that did not meet OEIS standards. If 20 assets and 30 business process points contributed to a utility ignition, there should be at least 50 corresponding corrective actions in order for a WMP to be deemed “reasonable” by Energy Safety. This pattern of accepting WMPs as “reasonable” that do not directly address and mitigate failures must stop. Moreover, utilities just referring to existing inspection processes should not suffice as sufficient remediation or corporate process rehabilitation. Every section of the WMP should have corresponding corrective actions for those utilities that had an increase in utility ignitions, caused a catastrophic fire in a prior year or failed to meet prior year risk reduction standards.


- **Sustainable and Integrated Strategy** – Our utility infrastructure does not reside in a vacuum, yet our Wildfire Mitigation Plans are completely disconnected from their operational environment. Every section within the WMP should demonstrate how they have worked to integrate with Community Wildfire Protection Plans (CWPPs) and how the tactics and processes are additive and complementary. Our California communities are rising to the growing challenges of our climate emergency but our utilities are not keeping up with that progression. How are the fire breaks, fuel breaks, structure hardening and vegetation management activities of our communities connected to and supporting our WMP goals? How are the WMP mitigation activities advancing the objectives of our towns, communities and residents? Where are these activities divergent and where are they complimentary? Locally, here in Sonoma County the planting of grape vines in a certain direction, placement of trails and how we orient our communities within the Wildland Urban Interface (WUI) are all factors that could support our utility wildfire mitigation objectives and visa versa. However, our IOUs will continue to neglect these connections unless we mandate their inclusion within the WMPs. These integration points are not only key for the efficacy of the plans but also will reduce costs and gain increased collaboration to secure easements and other regularly stated barriers to progress.
- **Scientific and Quality Assurance Clearinghouse** – The WMP guidelines and review processes should always incorporate a scientific review and a review from Total Quality Management (TQM) professionals. Here in California, we have talent and deep expertise to bring to bear on the review of these plans through our businesses, nonprofit community and our educational institutions. However, these subject matter experts (SMEs) have been largely sidelined by our existing WMP processes. Our science-based review could draw from our academic institutions including the University of California System, California State Universities, and private institutions like Stanford that have dedicated faculty that focus on wildfire science. Our quality-based review could also draw from these same institutions and pull experts from corporations like those based in Silicon Valley that regularly employ certified quality management professionals. Passing grades within these

“clearinghouse” reviews might lead into the broader intervenor comments and public participation hearings. Moreover, these process steps would not need to lengthen or complicate the WMP review process. If structured in an additive manner, these steps could alleviate reply comments and/or might be staggered as mid-year reviews.

CONCLUSION

I encourage the Office of Energy Infrastructure Safety to raise the bar regarding the WMP guidelines and the corresponding evaluation criteria for their legislated “reasonableness” review. Passing along WMPs as better than older plans is just not good enough. Moreover, we should not succumb to euphemistic cries for “streamlining” to reduce the regulatory burden that helps to keep our communities safe. Plans that don’t address the failures of past ignitions and catastrophic fires should not be considered reasonable or irrationally disaggregate past failures from planned mitigation activities. This course of action is not healthy for our communities or prudent for our regulators. Moreover, we must get away from this notion that investor-owned utilities can be deemed “criminal” and/or “reckless” through our courts but then somehow deemed “reasonable” by Energy Safety or the Commission. How much criminality and reckless behavior is reasonable to expect and to gain the approval for a safety certification? The answer I hope is zero yet we approve utilities as “reasonable” when they commit felony crimes and are objectively reckless with how they operate their business. Our regulatory oversight responsibilities like those exhibited through our Wildfire Mitigation Plan guidelines will either enable this criminal yet reasonable contradiction or push against it. I urge the Energy Safety to not look past this contravention contradiction and instead address these issues directly through their WMP guidelines.

Respectfully submitted,



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