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VIA Electronic Filing

Caroline Thomas Jacobs
Director, Office of Energy Infrastructure Safety
715 P Street, 20th Floor
Sacramento, CA 95814

RE: SDG&E Reply Comments on Safety Certification Requests of Bear Valley Electric Service, Inc. (BVES), Pacific Gas & Electric Company (PG&E), and Southern California Edison Company (SCE)

Docket 2022-SCs

Dear Director Thomas Jacobs:

Pursuant to the Office of Energy Infrastructure Safety's (Energy Safety) 2022 Safety Certification Guidelines, San Diego Gas & Electric Company (SDG&E) submits these reply comments on the safety certification requests of Bear Valley Electric Service, Inc. (BVES), Pacific Gas & Electric Company (PG&E), and Southern California Edison Company (SCE).

I. Introduction and Summary

The comments of the Public Advocates Office at the California Public Utilities Commission (Cal Advocates) largely restate their prior position that Energy Safety should expand the requirements for a safety certification beyond that required by Public Utilities Code Section 8389. Specifically, Cal Advocates takes issue with the electrical corporations—consistent with statute and Energy Safety's 2022 Safety Certification Guidance—citing to their agreements to implement the “most recent” 2021 Wildfire Safety Culture Assessment, and again requests that Energy Safety impose additional and redundant reporting requirements regarding the utilities' progress in implementation of the Safety Culture Assessment recommendations. Because the Public Utilities Code specifically addresses these issues and provides for compliance reporting outside of the safety certification process, Energy Safety has correctly refrained from expanding the safety certification criteria and should continue to do so.

SDG&E further notes that Cal Advocates does not specifically object to Energy Safety granting the safety certification for any of the electrical corporations, and Cal Advocates' comments do not address SDG&E's request for a safety certification at all. Thus, Energy Safety should grant SDG&E's request for a safety certification for the upcoming year in due haste.

II. Electrical Corporations May Meet the Good Standing Requirement by Agreement to Implement the Recommendations of the *Most Recent* Safety Culture Assessment

Energy Safety's process by which the utilities can meet the "good standing" requirement of Public Utilities Code Section 8389(e)(2) mirrors the criteria clearly established by the Legislature. While there may be additional ways to establish that an electrical corporation is in good standing, "having agreed to implement the findings of its most recent safety culture assessment" is—without question—sufficient. Thus, by its agreement to implement the findings of its (most recent) 2021 Wildfire Safety Culture Assessment, SDG&E has met the requirements of Public Utilities Code Section 8389(e)(2).

Further, Assembly Bill (AB) 1054 required that an electrical corporation be "implementing its approved wildfire mitigation plan," to meet the requirements for a safety certification under Public Utilities Code Section 8389(e)(7).¹ The utilities do not have a "burden to demonstrate meaningful progress in implementing their safety culture assessments" as contended by Cal Advocates.² While SDG&E has made—and continues to make—meaningful progress in implementing the 2021 safety culture assessment recommendations, Energy Safety should not read this additional criteria into the requirements for a safety certification.

As discussed below, the compliance process for the respective wildfire mitigation plans and the safety culture assessments is separate and apart from how an electrical corporation obtains its safety certification. Consistent with compliance process outlined in Assembly Bill 1054, SDG&E has also continuously updated Energy Safety, the Commission, and stakeholders on its progress implementing the 2021 Wildfire Safety Culture Assessment recommendations through its Quarterly Notification Letters, the ongoing 2022 Wildfire Safety Culture Assessment, and its request for a safety certification.³ This ongoing, detailed reporting establishes SDG&E's ongoing commitment to implement the recommendations of its 2022 Wildfire Safety Culture Assessment. Additional reporting would be redundant and unnecessary.

¹ Pub. Util. Code §8389(e)(7).

² Cal Advocates Comments at 3-4 (internal citations omitted). While the 2022 Safety Certification Guidelines provide that the electrical corporations detail "meaningful progress in implementing its WMP and the recommendations of the CPUC and Energy Safety safety culture assessments," the statute itself is limited to WMP implementation. Moreover, Energy Safety provided a clear means to establish this progress by requiring that the utilities "demonstrate progress in implementing the findings of the most recent safety culture assessment" in their safety certification requests—as SDG&E did.

³ *San Diego Gas & Electric Company's Request for a 2022 Safety Certification Pursuant to Public Utilities Code Section 8389*, OEIS Docket No. 2022-SCs (September 9, 2022) at 9-11.

III. Energy Safety Has Numerous—and Sufficient—Means to Ensure Implementation of the Safety Culture Assessment Recommendations

Cal Advocates erroneously concludes that a component of the “good standing” requirement is a backward-looking assessment of safety culture and past conduct. Rather, the Legislature codified “good standing” as a forward-looking criterion that can be established—among other things—by demonstrating a commitment to improved safety culture through an agreement to implement the findings of the annual Wildfire Safety Culture Assessments. The agreement alone is sufficient.

Cal Advocates’ attempts to equate the ongoing *compliance* with those agreements thus lack foundation in and contradict the clear wording of the statute. AB 1054 established a separate means to address and promote compliance with the electrical corporations’ wildfire mitigation plans and other commitments, including the implementation of the safety culture assessment recommendations.⁴ While this process is separate from the safety certification, it is entirely untrue that “utilities are under no obligation to demonstrate that their safety culture has improved since 2021.”⁵ While “good standing” is a forward-looking assessment, the backward-looking review of compliance with the electrical corporations’ agreements may be performed through numerous avenues, including but not limited to the following:

- (1) The Quarterly Notification Letters which are required to detail “the implementation of both [the electrical corporation’s] approved wildfire mitigation plan and recommendations of the most recent safety culture assessments ...”⁶
- (2) The electrical corporations provide information regarding their progress in implementing the recommendations of prior safety culture assessments in the Wildfire Safety Culture Assessment process—and have been asked to do so as part of the 2022 safety culture assessments.
- (3) The electrical corporations were asked to provide updates regarding the implementation of the safety culture assessment recommendations during the 2022 Board Safety Presentations to the Commission and Energy Safety, conducted pursuant to Public Utilities Code Section 8389(e)(5).
- (4) If Energy Safety has reason to doubt the veracity of statements contained in the Quarterly Notification Letters, it may perform a separate audit to address the areas of concern.⁷

Because of the clear statutory delineation between the means to achieve “good standing” for purposes of the safety certification, and the process for addressing compliance with the safety culture assessments, Energy Safety is correct in concluding that a utility has met the “good

⁴ Pub. Util. Code §§8389(e)(7); 8389(g)

⁵ Cal Advocates Comments at 2.

⁶ Pub. Util. Code §8389(e)(7).

⁷ Pub. Util. Code §8389(e)(7).

standing requirement for a safety certification if it has agreed to implement the recommendations of the “most recent” safety culture assessment.

IV. Conclusion

SDG&E appreciates Energy Safety’s consideration of these reply comments on the safety certification requests that Energy Safety (1) promptly approve SDG&E’s request for a safety certification and (2) take these recommendations into account when addressing further safety certification guidance.

Respectfully submitted,

/s/ Laura M. Fulton

Attorney for

San Diego Gas and Electric Company