



November 4, 2022

California Wildfire Safety Advisory Board  
715 P Street, 20th Floor  
Sacramento, CA 95814  
WSAB@energysafety.ca.gov

**RE: Comments of the Joint Associations on the Draft Guidance Advisory Opinion for the 2023 Wildfire Mitigation Plans of Publicly Owned Electric Utilities and Electrical Cooperatives**

Dear Chair Block and Board Members,

The California Municipal Utilities Association (CMUA) and Golden State Power Cooperative (GSPC) (collectively the “Joint Associations”) respectfully submit these comments to the California Wildfire Safety Advisory Board (WSAB) on the *Draft Guidance Advisory Opinion for the 2023 Wildfire Mitigation Plans of Publicly Owned Electric Utilities and Electrical Cooperatives* (Draft Guidance Advisory Opinion), issued on October 17, 2022.

**I. INTRODUCTION**

California’s publicly owned electric utilities (POUs) and electric cooperatives (Cooperatives) greatly appreciate the significant efforts of the WSAB staff and board members in providing recommendations on the POUs’ and Cooperatives’ wildfire mitigation plans (WMPs). The WSAB’s expertise and meaningful insights strengthen both the WMPs and wildfire mitigation efforts of the POUs and Cooperatives. Further, the WSAB’s review process provides a valuable public opportunity to evaluate and share the various utility approaches to wildfire mitigation and to identify areas for advancement. The WSAB’s role in this process provides an invaluable service that greatly benefits the state of California.

While POUs and Cooperatives vary greatly in structure, size, and geography, they share a common priority of ensuring the safety of the local communities they serve. Because their governing boards are locally-elected, these representatives are close to their local communities, and have direct input from their customer/owners regarding the proper balance of safety, reliability, and rate affordability. This direct representation keeps the POUs and Cooperatives accountable to their local communities, and it is ultimately the governing boards that are given final authority over the POU and Cooperative WMPs.

The Joint Associations can assure the WSAB that both the utility staff and the governing board members take wildfire mitigation very seriously. While the WMP requirements have only been in place for the past few years, the POU and Cooperatives have always had the necessary inspection, maintenance, and other programs in place to provide effective mitigation against wildfires ignited by utility infrastructure. This is demonstrated by the strong wildfire safety record of the POU and Cooperatives. Thus, the WMPs themselves should not be viewed as the sole representation of any POU or Cooperative’s entire wildfire mitigation efforts, but instead a useful description of the various aspects of each utility’s program.

At a high level, the Joint Associations believe that the WSAB should focus its recommendations on measures and topics that are both within the scope of what is appropriate for a WMP and within the control of the POU or Cooperative in its role as an electric utility. The Joint Associations have previously raised concerns with WSAB recommendations that relate to general wildfire spread or to issues of general reliability. While the Joint Associations appreciate the WSAB’s response to these concerns, the Joint Associations believe that greater coordination could help to ensure that the Guidance Advisory Opinion recommendations are targeted at measures and actions that support the core purpose of the WMPs, which is to reduce the risk of utility line ignited wildfires.

## **II. COMMENTS ON THE DRAFT GUIDANCE ADVISORY OPINION**

### **A. WSAB’s Advisory Role**

As described above, the POU and Cooperative wildfire mitigation efforts are directly overseen by their locally-elected governing boards. As envisioned by Public Utilities Code § 326.2, the role of the WSAB is to review and advise the POU and Cooperatives on their WMPs and wildfire risks. Under this statutory structure, it is ultimately up to the individual governing boards to evaluate the recommendations of the WSAB and to determine whether to act on those recommendations.

The Joint Associations appreciate that the WSAB accurately describes this structure in the introduction to the Draft Guidance Advisory Opinion:

The Board recognizes that its independent, advisory role is distinct from a regulatory role. Our expertise is to “guide” and “advise” POU towards specific actions. We offer our recommendations based on each Board members specific expertise and understand that only the governing boards and councils can direct actions. The shared goal is to appropriately minimize wildfire and related risks in the POU service areas and the State.<sup>1</sup>

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<sup>1</sup> Draft Guidance Advisory Opinion, at 4.

Keeping this oversight structure in mind is important as the WSAB develops its recommendations and as we collectively work toward the goal of reducing the risk of utility line ignited wildfires.

## **B. Update on CMUA Sub-Working Group Efforts**

In the Joint Association Letter submitted on July 7, 2022,<sup>2</sup> the Joint Associations informed the WSAB that CMUA had developed six sub-working groups of its Wildfire Preparedness, Response, and Recovery Working Group, in order to consider and develop potential approaches to specific WMP topics. The six sub-working groups are focused on the following topics: (1) developing and refining metrics for tracking the performance of mitigation measures in the WMPs; (2) describing vegetation management practices in more detail and identifying data management solutions; (3) evaluating asset management and inspection programs and identifying facilities in high fire risk areas, including equipment that pre-dates or is otherwise exempt from General Order 95; (4) describing grid design and system hardening programs; (5) exploring cost-effective risk modeling tools; and (6) developing plans to incorporate climate change data into risk assessments and the decision-making process.

The purpose of these sub-working groups is to collaborate and share information, not to develop any minimum requirements or best practices for wildfire mitigation. Nor are the sub-working groups developing new “data points” or assessments that all POU and Cooperatives will incorporate into their 2023 WMPs. As the WSAB clearly recognizes, the POU and Cooperatives vary greatly in size, geography, relative wildfire risk, and community priorities. There are unique challenges that only certain subsets of POU and Cooperatives face. For example, large portions of the Cooperatives and certain POU service territories traverse federal lands over which the utilities have limited control. These rights-of-ways through federal land are often used to inspect facilities and conduct maintenance in otherwise roadless areas. In these instances, the available wildfire mitigation options (such as replanting certain types of vegetation) may be limited by federal restrictions or inconsistent with the necessary use of the right-of-way. While the sub working groups may decide to explore the risks of invasive annual grasses, replanting vegetation should not be assumed to be a best practice.

Given this variability, it would be impossible to identify a single set of best practices or data points for any of the sub-working group topics. Instead, these sub-working groups are focused on developing lists of possible approaches and providing a forum for POU and Cooperative staff to share the benefits, costs, and lessons learned from their experiences with specific measures. This collaboration and these internal tools can be used to improve various aspects of the WMPs. The extent to which any individual POU or Cooperative updates its 2023 WMP based on the efforts of these sub-working groups will depend on what is appropriate based on that utility’s unique risk profile, size, geography, operations, and community.

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<sup>2</sup> *Comments of the Joint Associations on the 2022 Wildfire Mitigation Plans of Publicly Owned Electric Utilities and Electric Cooperatives*, July 7, 2022.

### **C. POU's With No Overhead Facilities Located in Elevated Wildfire Threat Areas**

The Joint Associations appreciate the Draft Guidance Advisory Opinion's discussion of POU's and Cooperatives without any overhead facilities in or near areas of the state with an elevated level of wildfire risk. For many of these utilities, there is simply no reasonable risk that the utility's overhead lines could contribute to a wildfire, and thus much of the WMP effort is unlikely to provide benefits to its local community or to the state as a whole. The Joint Associations also understand that the WSAB's own efforts in reviewing these utility WMPs is unlikely to result in significant benefits to reducing utility line ignited wildfires. A streamlined approach to the preparation and review these utility WMPs would save the time and resources of both the WSAB and the utility.

The Joint Associations agree that it is worth considering various options to reduce these burdens. However, as discussed above, the WSAB does not serve as a regulator for the POU's or Cooperatives and lacks the direct authority to implement or interpret the applicable regulatory language in Public Utilities Code § 8387. Therefore, the ultimate decision must be made by the governing boards of the POU's and Cooperatives in order to determine what is necessary to meet its WMP requirements. This regulatory structure, therefore, limits the ability of the Joint Associations and the WSAB to develop any single standard approach for this category of utility. With these limitations in mind, the Joint Associations look forward to exploring possible options further in collaboration with the WSAB.

### **D. Assets Not Subject to General Order 95**

The WSAB has previously raised concerns about utility assets that may pose greater wildfire safety risks because the asset is exempt from General Order (GO) 95 due to the asset being constructed prior to the GO first being adopted. As discussed above, this topic is one that is being evaluated by CMUA's sub-working groups. As informed by these sub-working group discussions, each POU and Cooperative will need to assess whether this topic is relevant and appropriate for its next WMP.

However, the Joint Associations wish to provide additional clarity on this issue. It is true that it is a common utility practice to construct new utility poles based on the GO 95 standards (or other applicable standard) that are in place at the time of construction. However, this only relates to the **construction** requirements, such as the safety factor used when determining the appropriate size of a pole. Further, these types of construction requirements have a very limited impact on wildfire safety because the vast majority of utility line ignited fires are not caused by a failure of a pole due to outdated construction standards, but instead are due to factors such as debris and vegetation blowing or falling into powerlines, equipment failure, car strikes, and other external factors impacting a pole. The most important factors for wildfire safety are the applicable vegetation management requirements as well as the inspection, maintenance, and repair programs of the utilities, because these are more likely to address the common wildfire risks described above than the GO 95 construction standards.

The POU's and Cooperatives all apply the currently-effective vegetation clearance and asset inspection standards to their entire system, regardless of the age of the individual poles. This means that for the

very few POU's or Cooperatives that may have some poles that pre-date GO 95, those poles will still be inspected on the currently effective cycle and the vegetation surrounding those poles will be cleared based on current requirements. Any safety hazards discovered on those poles will also be resolved according to the current requirements. Based on this understanding, the Joint Associations do not believe that GO 95 exempt assets present a heightened wildfire risk and hope that this clarification helps inform the WSAB's recommendations on this topic.

### **E. Use of the Recommended Template**

The Joint Associations understand and appreciate the WSAB's desire to have more consistency in the various WMPs, in order to reduce the burden of reviewing these plans. However, the primary obligation of the various utilities is to develop a WMP that not only conforms to the statute, but that also follows any applicable direction from their governing boards and that meets the needs of their local community. This may make it unreasonable for a POU or Cooperative to use a single uniform template as a starting point each year. We appreciate the WSAB's recognition that other formats can be used for the WMPs.

As relevant background, the CMUA template that is included as Appendix 1 to the Draft Guidance Advisory Opinion was created by CMUA's Wildfire Preparedness, Response, and Recovery Working Group in order to help POU's with the development of their *initial* WMP. It was never intended to be updated each year or to guide all future WMPs. Instead, each POU has either been informed by the template or used the template as a starting point and then updated it based on local guidance and needs. The POU's and Cooperatives simply vary too much for a single template to be an effective solution. Additionally, it may take significant staff time to transfer and adapt their current WMPs into a new template structure. As the WSAB acknowledges, some POU's are completely undergrounded or have minimal distribution systems, while others have large, sparsely populated service territories. Others are located in completely urban environments without any proximity to forests. It is distinctions such as this that underscore the need to ensure that the WMPs are tailored specifically to the individual utility, and one of the reasons why a uniform template for the WMPs may not be the best option for an individual POU or Cooperative. Finally, the Joint Associations encourage the WSAB to keep the goal of reducing utility line ignited wildfires in mind as it recommends additional topics for the WMPs.

The Joint Associations recommend that for future Guidance Advisory Opinions, the WSAB provide recommendations for reducing the review burden that do not involve a single, uniform template.

### **F. Independent Evaluator Requirements**

The Draft Guidance Advisory Opinion recommends that POU's and Cooperatives have an independent evaluator (IE) "review the 2023 comprehensive revision WMPs and provide an analysis that goes beyond simply documenting compliance with the statute . . ."<sup>3</sup> The Draft Guidance Advisory Opinion goes on to encourage "documentation of IE recommendations, WMP changes, and a secondary IE review and attestation that recommended changes have been considered and result in the conclusion that

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<sup>3</sup> Draft Guidance Advisory Opinion at 16.

the utility’s WMP meets (or exceeds) statutory requirements.”<sup>4</sup> To meet the applicable statutory requirements, it was important for all POU’s and Cooperatives to complete an initial IE review. However, the requirement in Public Utilities Code § 8387(c) to have an IE assess the comprehensiveness of each POU’s and Cooperative’s WMP does not specify any minimum frequency for repeating the review process. While the Joint Associations appreciate the perspective of the WSAB on the IE requirement, it is up to the governing board of each POU and Cooperative to determine, based on their individual circumstances, the appropriate frequency of any subsequent IE reviews. It is also up to the governing board to determine if the IE review should be expanded beyond the comprehensiveness requirement specified in the statute to include a “secondary” review. As discussed in more detail below, such determination should be based on the relative value that an IE review provides.

The Draft Guidance Advisory Opinion notes in its discussion of POU’s without overhead facilities in high fire threat areas, that the IE process has “little to no chance of providing useful insights into reducing wildfire risks from already low to nonexistent levels.”<sup>5</sup> The WSAB recommends that these POU’s not secure additional IE reviews unless their wildfire circumstances change.<sup>6</sup> However, this rationale does not only apply to this single subset of POU’s. Because the IE’s role is to evaluate the comprehensiveness of the POU or Cooperative’s WMP, the IE is unlikely to have new input to provide if there have been no substantive changes to the WMP from the prior year. While some POU’s and Cooperatives may determine that yearly IE reviews provides sufficient value, others may determine that there would be no or minimal benefit to justify the costs, which have continued to rise over the past several years. Additionally, it is important that each utility is able to determine its own evaluation schedule, if an evaluation is desired. For example, GSPC notes that one of its members, the Plumas-Sierra Rural Electric Cooperative engaged a contractor to incorporate the last WSAB recommendations into their 2022 WMP to ensure it was complete. Another assessment by an IE just one year later would not provide any meaningful benefit but would just result in further expenditures that are better spent on actual mitigation activities.

The Joint Associations respectfully urge the WSAB to keep the statutory role of IEs for POU’s and Cooperatives in mind as it makes recommendations on the need for, frequency, and scope of IE reviews. Each POU and Cooperative must weigh the benefit provided by any such review against the cost, considering how those funds could otherwise more effectively support wildfire mitigation.

## **G. Risk Modeling Tools**

As described above, one of the CMUA sub-working groups is devoted to exploring cost-effective risk modeling tools that may be available to POU’s and Cooperatives to inform their wildfire mitigation activities. This evaluation includes considering ways to leverage risk modeling conducted by other utilities or other non-utility entities. However, as the Draft Guidance Advisory Option notes, the risk

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<sup>4</sup> *Id.*

<sup>5</sup> *Id.* at 9.

<sup>6</sup> *Id.*

profiles of the POU and Cooperatives are very diverse and many will not have a need for the types of comprehensive risk modeling tools being used by the investor-owned utilities (IOUs). Further, utilities that do not have programs for the proactive de-energization of powerlines as a wildfire mitigation tool (such as the program used by the IOUs) will also not have the same need for sophisticated and continuously updated risk models. The POU and Cooperatives are therefore coordinating to determine what tools or solutions would provide a cost-effective benefit to their wildfire mitigation efforts. Further, the POU and Cooperatives note that, as this is a rapidly evolving area, this cost-effectiveness evaluation could change in the near term and merits continued consideration.

## H. Topics Outside the Scope of the WMPs

As the Joint Associations have discussed in prior comment letters to the WSAB, some of the recommendations in the Draft Guidance Advisory Opinion are outside the scope of what is appropriate for the WMPs. The Joint Associations fully recognize that the WSAB has broad expertise and that its recommendations could help address wildfire risks and harms generally. However, it is important that the WMPs be focused on mitigation measures targeted to utility line ignited wildfires, which is distinct from wildfire risk generally. The WMPs must also deal with actions that are within the actual control of a POU or Cooperative in its role as an electric utility. Including these other topics in the WMP detracts from the goal of the WMP, which is to help **reduce the risk of a utility line or equipment ignited wildfire**. Discussing these broader wildfire topics within a WMP has the potential to create confusion when a separate entity has the actual authority and responsibility for the task, such as reducing general wildfire spread. Instead, the Joint Associations encourage the WSAB to engage directly with the appropriate local and state agencies that do have the relevant authority in order to identify and evaluate areas for improvement.

The Draft Guidance Advisory Opinion also requests that POU and Cooperatives provide more information on grid reliability during wildfires:

Many POU have provided relevant resource information in WMPs that indicated that in the event of a wildfire-related power outage, either planned or unplanned, either customer or utility resources exist to help keep power supplied during the potential outage. It is solely in this wildfire-related context and not for long-term resource planning that the WSAB encourages POU to develop and describe as appropriate backup resource plans for purposes of resiliency and wildfire recovery efforts, in addition to PSPS mitigation. ***The WSAB wants to better understand the options solely in the wildfire context, as a utility strategy to reduce impacts to customers and the community during a wildfire or associated outage***, particularly as newer storage technologies make such mitigation more viable financially and environmentally.<sup>7</sup>

As the Joint Associations have noted in the past, electric resource planning, including backup generation for use during an outage, are elements of utility planning and operations outside of the WMP. Utilities may experience an outage for any number of reasons not directly related to utility line ignited wildfires.

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<sup>7</sup> *Id.* at 18 (emphasis added).

The reliability planning of the POU's and Cooperatives must address all possible causes of a failure to a generating asset or transmission line. There is no context where the reliability planning is different because the cause of an outage is a wildfire. Where a POU or Cooperative has not adopted public safety power shutoff (PSPS) protocols and has no near-term plans to order any such PSPS events, battery backup generation for customers is not related to the scope of a POU's or Cooperative's WMP and should not be considered a required element of a WMP. In particular, the costs and analysis regarding battery storage should be addressed under resource planning more broadly, and must be assessed by the utility in that context.

The Joint Associations do agree, however, that there is a clear role for state agencies and other regional entities to provide greater support to help communities recover from the devastation of wildfires, whatever their cause. This could include state funding for a strategic reserve of generators and backup generation that could be staged and deployed to these communities in the aftermath of a wildfire. Coordinating this type of support at the state level could be a cost-effective way to help these communities recover. A strategic reserve would avoid significant expenditures for resources that may only be needed for a one-time or very infrequent emergency.

### **III. CONCLUSION**

The Joint Associations appreciate the opportunity to provide these comments to the WSAB on the Draft Guidance Advisory Opinion and thank the WSAB for its consideration of these comments. We look forward to continuing to work collaboratively with the WSAB to support the shared goal of reducing wildfire risks.