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Via Electronic Filing

Caroline Thomas Jacobs, Director
Office of Energy Infrastructure Safety
California Natural Resources Agency
Sacramento, CA 95184
efiling@energysafety.ca.gov

Subject: Public Advocates Office's Opening Comments on the 2022 Wildfire Mitigation Plan Independent Evaluator Annual Report on Compliance: PacifiCorp

Docket: 2023-IEs

Dear Director Thomas Jacobs,

The Public Advocates Office at the California Public Utilities Commission (Cal Advocates) respectfully submits the following comments on the Independent Evaluator's Annual Report on Compliance regarding PacifiCorp's 2022 Wildfire Mitigation Plan. Please contact Nathaniel Skinner (Nathaniel.Skinner@cpuc.ca.gov), Program Manager, or Henry Burton (Henry.Burton@cpuc.ca.gov), Program and Project Supervisor, with any questions relating to these comments.

We respectfully urge the Office of Energy Infrastructure Safety to adopt the recommendations discussed herein.

Sincerely yours,

/s/ **Carolyn Chen**

Carolyn Chen
Attorney

Public Advocates Office
California Public Utilities Commission
505 Van Ness Avenue
San Francisco, California 94102
Telephone: (415) 703-1980
E-mail: Carolyn.Chen@cpuc.ca.gov

518416444

The Public Advocates Office
California Public Utilities Commission
505 Van Ness Avenue, San Francisco, CA 94102-3298
www.publicadvocates.cpuc.ca.gov

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I. INTRODUCTION

Pursuant to the Office of Energy Infrastructure Safety’s (Energy Safety) notice seeking public comments (Notice),¹ the Public Advocates Office at the California Public Utilities Commission (Cal Advocates) submits these comments on the *2022 Wildfire Mitigation Plan Independent Evaluator Annual Report on Compliance: PacifiCorp* (PacifiCorp 2022 IE Report), by independent evaluators (IEs) NV5, Inc. and Guidehouse, Inc.² The PacifiCorp 2022 IE Report examines PacifiCorp’s compliance with its *Revised 2022 Wildfire Mitigation Plan Update* (2022 WMP).³

PacifiCorp filed its *2023-2025 Wildfire Mitigation Plan* (2023-2025 WMP) on May 8, 2023.⁴ Cal Advocates filed comments on PacifiCorp’s 2023-2025 WMP on June 29, 2023.⁵ The Notice permits interested persons to file comments by August 25, 2023. These comments address the PacifiCorp 2022 IE Report and linkages to similar issues in PacifiCorp’s 2023-2025 WMP.

II. DISCUSSION

A. Energy Safety should direct PacifiCorp to substantially revamp its vegetation management QA/QC program.

1. Overview.

PacifiCorp continues to grapple with challenges related to effective vegetation management.⁶ It is critical to address these failures here and now in order to ensure that the

¹ *Energy Safety Seeks Public Comment on 2022 Wildfire Mitigation Plan Independent Evaluator Annual Report on Compliance*, Energy Safety, July 26, 2023, in docket 2023-IE.

² *2022 Wildfire Mitigation Plan Independent Evaluator Annual Report on Compliance: PacifiCorp* (PacifiCorp 2022 IE Report), filed July 26, 2023 in docket 2023-IE.

³ PacifiCorp, *Revised 2022 Wildfire Mitigation Plan Update* (2022 WMP), July 18, 2023, in docket 2022-WMPs.

PacifiCorp filed its initial 2022 WMP on May 6, 2022 in docket 2022-WMPs. On June 15, 2022, Energy Safety rejected PacifiCorp’s initial WMP (*Office of Energy Infrastructure Safety Issuance of Rejection for Incompleteness and Order to Resubmit for PacifiCorp’s 2022 Wildfire Mitigation Plan Update*, June 15, 2022). On July 18, 2022, PacifiCorp filed its *Revised 2022 Wildfire Mitigation Plan Update* and Cover Letter, pursuant to Energy Safety’s order.

⁴ PacifiCorp, *2023 Wildfire Mitigation Plan* (2023-2025 WMP), May 8, 2023, in docket 2023-2025-WMPs.

⁵ *Comments of the Public Advocates Office on PacifiCorp’s 2023 to 2025 Wildfire Mitigation Plan*, June 29, 2023, in docket 2023-2025-WMPs.

⁶ See *Comments of the Public Advocates Office on PacifiCorp’s 2023 to 2025 Wildfire Mitigation Plan*, June 29, 2023, in docket 2023-2025-WMPs at 16-18.

intended benefits of the vegetation management quality assurance and quality control (QA/QC) program are fully realized.

2. Key Vegetation Management QA/QC findings in the 2022 IE Report.

The IEs' assessment of PacifiCorp's vegetation management QA/QC program highlights several deficiencies. For example:

- PacifiCorp's vegetation management QA/QC program lacks several key elements of a comprehensive system.⁷
- PacifiCorp did not provide any evidence indicating how or if a review of QA/QC program processes had been conducted.⁸
- PacifiCorp claims to audit nearly all completed work, and states that most QA/QC is done in real-time.⁹
- PacifiCorp's Vegetation Management QA/QC annual audit exception report does not indicate whether or when exceptions have been resolved.¹⁰
- PacifiCorp has yet to establish a statistically valid sample size that would yield an acceptable confidence level or margin of error for its vegetation management QA/QC efforts.¹¹
- The IEs' field verification of fuel reduction and vegetation clearing around PacifiCorp's poles found a 74 percent failure rate.¹²
- The IEs were unable to verify the reported spend on PacifiCorp's 2022 QA/QC Inspections based on evidence provided.¹³

3. Discussion.

Since 2021, the IEs have consistently found that PacifiCorp lacks "a robust vegetation management QA/QC program."¹⁴ ¹⁵ Given the IEs' observations last year regarding PacifiCorp's compliance with its 2021 WMP, it is not unexpected that the IEs for the PacifiCorp

⁷ PacifiCorp 2022 IE Report at 55.

⁸ PacifiCorp 2022 IE Report at 55.

⁹ PacifiCorp 2022 IE Report at 55.

¹⁰ PacifiCorp 2022 IE Report at 55.

¹¹ PacifiCorp 2022 IE Report at 56.

¹² PacifiCorp 2022 IE Report at 2.

¹³ PacifiCorp 2022 IE Report at 4.

¹⁴ *2021 Wildfire Mitigation Plan Independent Evaluator Annual Report on Compliance: PacifiCorp* (PacifiCorp 2021 IE Report), filed June 30, 2021 at 44.

¹⁵ PacifiCorp 2022 IE Report at 55.

2022 IE Report found mistakes that were missed during PacifiCorp’s initial QC checks in 2022. The fact that PacifiCorp’s QC checks failed to detect errors raises doubts about whether PacifiCorp’s QA/QC program is a well-defined process that can consistently monitor and evaluate its vegetation management activities to ensure compliance with safety standards.

In a field survey of 2022 completed work in PacifiCorp’s fuel reduction and pole clearing program, the IEs discovered 74 percent failure rate.¹⁶ To put this into perspective, of the 35 pole locations that the IE selected for inspection, 26 pole locations did not meet the standard requirements laid out in PacifiCorp’s 2022 WMP.¹⁷ These shortcomings often related to tree branches encroaching within a 10-foot radius of the pole near ground level (below the 8-foot level). Although these encroachments comply with minimum regulatory standards, they don’t align with the standards set out in PacifiCorp’s 2022 WMP.¹⁸ That PacifiCorp’s vegetation management QA/QC program missed key safety hazards, by failing to identify 26 pole locations that were out of compliance, calls into question whether PacifiCorp’s QA/QC program simply does not include auditing enhanced pole clearing activities.¹⁹

PacifiCorp claims a commitment to auditing “all, or as much as possible, completed work”; however, PacifiCorp’s criteria for determining what constitutes “as much as possible” remain vague.²⁰ Furthermore, it is unclear whether the QA/QC program’s scope encompasses the pole clearing activities mentioned earlier.

Making matters even worse, PacifiCorp has never conducted a review of its QA/QC program, including in 2022. For example, for the PacifiCorp 2022 IE Report, the IEs asked PacifiCorp to provide documentation describing its QA/QC program.²¹ In its response, PacifiCorp produced identical program documentation used in a previous year’s response, with

¹⁶ PacifiCorp 2022 IE Report at 2. In 2022, PacifiCorp initially conducted pole clearing work, followed by a QA/QC assessment of the work’s completion. Subsequently, the IEs carried out a field survey of 35 locations. During this survey, the IEs identified discrepancies in 26 locations that had not been detected during PacifiCorp’s QA/QC process.

¹⁷ PacifiCorp 2022 IE Report at 15.

¹⁸ PacifiCorp 2022 IE Report at 15.

¹⁹ *Comments of the Public Advocates Office on PacifiCorp’s 2023 to 2025 Wildfire Mitigation Plan*, June 29, 2023, in docket 2023-2025-WMPs at 16-18.

²⁰ PacifiCorp 2022 IE Report at 56.

²¹ PacifiCorp 2022 IE Report at Appendix A.

no new updates or enhancements in its QA/QC program.²² This indicates a lack of commitment to and effort toward improvement in this area, despite known weaknesses such as those noted above.

4. Similarities to PacifiCorp's 2023 WMP.

In comments on PacifiCorp's 2023-2025 WMP, Cal Advocates expressed reservations about PacifiCorp's QA/QC program. Among other things, PacifiCorp's QA/QC program failed to address significant lapses in PacifiCorp's vegetation management activities.²³ These lapses appear to represent a recurring issue within PacifiCorp's vegetation management QA/QC program, wherein key safety hazards are often overlooked.²⁴ The PacifiCorp 2022 IE Report provides additional evidence substantiating our analysis on this issue (see section A.2 of these comments). Thus, as evident from both Cal Advocates' 2023-2025 WMP comments and the IEs' report, serious concerns about PacifiCorp's vegetation management QA/QC program continue. These concerns should be addressed in PacifiCorp's 2023-2025 WMP. To that end, Energy Safety should issue a revision notice to PacifiCorp regarding its 2023-2025 WMP.

5. Remedies: Energy Safety should direct PacifiCorp to submit a revised WMP and to submit quarterly progress reports.

The foregoing observations show external intervention is necessary to address the shortcomings of PacifiCorp's vegetation management QA/QC program. Energy Safety should direct PacifiCorp to review and revise its vegetation management QA/QC program by implementing the following remedies:

- Submit a revised 2023-2025 WMP that includes a plan to improve QA/QC for vegetation management.
- PacifiCorp's revised 2023-2025 WMP should directly address the IEs' findings and provide a clear roadmap demonstrating that PacifiCorp is implementing the IE's recommended corrective measures.
- Energy Safety should require regular transparency measures like quarterly reports detailing PacifiCorp's QA/QC performance in vegetation

²² PacifiCorp 2022 IE Report at 55.

²³ *Comments of the Public Advocates Office on PacifiCorp's 2023 to 2025 Wildfire Mitigation Plan*, June 29, 2023, in docket 2023-2025-WMPs at 16-18.

²⁴ *Comments of the Public Advocates Office on PacifiCorp's 2023 to 2025 Wildfire Mitigation Plan*, June 29, 2023, in docket 2023-2025-WMPs at 16-17.

management, as Cal Advocates has previously recommended.²⁵ These reports should be integrated seamlessly with PacifiCorp's routine quarterly data disclosures.

An effective vegetation management program is not a mere tick-box exercise. Rather, is an essential operational tool for mitigating risk and avoiding catastrophic failures. It is essential that PacifiCorp directly address the concerns identified by the IEs. Energy Safety should expect PacifiCorp to demonstrate not just compliance but a genuine commitment to public safety and wildfire risk reduction.

III. CONCLUSION

Cal Advocates respectfully requests that Energy Safety adopt the recommendations discussed herein.

Respectfully submitted,

/s/ ***Carolyn Chen***

Carolyn Chen
Attorney

Public Advocates Office
California Public Utilities Commission
505 Van Ness Avenue
San Francisco, California 94102
Telephone: (415) 703-1980
E-mail: Carolyn.Chen@cpuc.ca.gov

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²⁵ *Comments of the Public Advocates Office on PacifiCorp's 2023 to 2025 Wildfire Mitigation Plan*, June 29, 2023, in docket 2023-2025-WMPs at 18.