BEFORE THE STATE OF CALIFORNIA
OFFICE OF ENERGY INFRASTRUCTURE SAFETY

VIA E-File

January 18, 2024

Kristin Ralff Douglas
Program Manager, Electrical Undergrounding Division
Office of Energy Infrastructure Safety
California Natural Resources Agency
Sacramento, CA 95814

Re: Docket Number 2023-UPS - 2023 Undergrounding Plans
Reply Comments of AT&T California; the California Broadband & Video Association; Crown Castle Fiber, LLC; and Sonic Telecom, LLC on the Office of Energy Infrastructure Safety's Undergrounding Guidelines

Dear Ms. Kristin Ralff Douglas:

Pursuant to your December 13, 2023 Memorandum, AT&T California ("AT&T"), the California Broadband & Video Association ("CalBroadband"),[1] Crown Castle Fiber LLC ("Crown Castle"), and Sonic Telecom, LLC ("Sonic") (collectively, the "Communications Providers") respectfully submit these comments in response to opening comments filed by other parties regarding development of the Office of Energy Infrastructure Safety's ("Energy Safety's") guidelines for large electrical corporations to submit a 10-Year Undergrounding Distribution Infrastructure Plan pursuant to Pub. Util. Code §§ 8385 and 8388.5. These reply comments are limited to issues that directly impact the communications industry.

Any Cost-Benefit Analysis Must Include All Relevant Costs

The Communications Providers agree with the Public Advocates Office ("Cal Advocates") that all related costs, including communications company costs, should be included in any analysis of wildfire mitigation alternatives.[2] The purpose of any cost-benefit analysis of mitigation alternatives is to determine whether the cost of a particular alternative is justified by its wildfire mitigation benefit. This analysis should examine the entire public interest, both the cost and the benefit to the public. Considering only the cost to electric companies would ignore other substantial costs and burdens on the public.

Undergrounding may cause disruptions and require individual households and businesses to bear the costs and burden of trenching through their property and/or the costs to convert their electric

[1] CalBroadband, formerly known as "CCTA," is a trade association consisting of cable companies that have invested over $45 billion in California infrastructure since 1996 to provide video, voice, and Internet service to millions of customers statewide.
[2] Cal Advocates Opening Comments at pp. 14-15.

service from overhead to underground. These costs can be substantial and must be included in any cost-benefit analysis. Moreover, when communications providers share space on utility poles with an electric company, undergrounding can impose significant costs on communications providers, particularly for undergrounding projects where utility poles would be removed.[3] In aggregate, the cost could amount to billions of dollars. These costs may then be passed on to households and businesses in the form of increased charges for communications service. In some cases, the magnitude of the cost may force some providers to discontinue service in the area. And because certain communications equipment, such as Wi-Fi devices, cellular radios, and antennas that provide hotspots and wireless broadband, cannot operate below ground, undergrounding efforts could result in loss of important communications services. Failure to consider these costs would be inconsistent with Senate Bill ("SB") 884, which requires undergrounding plans to include "[a]n evaluation of project costs, projected economic benefits over the life of the assets, and any cost containment assumptions."[4].

In its opening comments, Pacific Gas and Electric Company ("PG&E") asserts it has "partnered and plans to continue to partner with telecommunications providers … to explore joint trench opportunities."[5] This does not justify ignoring communications provider costs and interests. The trenching costs that PG&E offers to "partner" on are only one of the undergrounding costs communications providers face. Undergrounding also requires the installation of new facilities in the trench and, as noted above, may result in either lost services in some areas or re-engineering of the system, because some communications facilities do not function underground. PG&E's comments ignore costs other than the trenching costs and other impacts on communications providers. PG&E's statement that it will provide "joint trench opportunities"[6] falls short of addressing the communications company issues.

Pub. Util. Code § 8388.5(c) Requires Energy Safety to Include All Relevant Costs in its Undergrounding Guidelines

In its opening comments, Mussey Grade Road Alliance ("MGRA") makes a number of helpful recommendations;[7] however, MGRA's opening comments also include the following statement:

> *While it is not explicitly in [Energy Safety's] mandate to require cost information* and cost efficiency information be reviewed, it would be helpful if [Energy Safety] were to perform an "existence/consistency/sanity check" to ensure that the IOUs'

[3] *See* Communications Providers Comments on Staff Proposal at p. 3 (Sept. 27, 2023) ("The Communications Providers' costs could exceed $1 million per mile of undergrounding.").
[4] *See* Pub. Util. Code § 8388.5(c)(6). SB 884 is codified at Pub. Util. Code §§ 8385 – 8389.
[5] PG&E Opening Comments at p. 12.
[6] *Id*.
[7] *See, e.g*., MGRA Opening Comments at p. 2 ("New technologies in combination with covered conductor can provide very high risk reduction. New information is constantly becoming available about these technologies. Hence, comparison of these technologies on an effectiveness and cost/benefit to undergrounding must be an annual occurrence.").

> figures are sufficiently rigorous as to provide meaningful cost/benefit analysis, even if [Energy Safety] itself does not determine whether the request is reasonable.[8]

The Communications Providers respectfully disagree with the assertion that it is not within Energy Safety's mandate to require cost information. Pub. Util. Code § 8388.5(c) expressly requires the inclusion of all relevant cost information by the major IOUs in their proposed 10-year undergrounding plans and the analysis by Energy Safety of those costs is one component of the review of those plans.[9] Thus, Energy Safety's undergrounding guidelines should include a requirement that the three large electrical corporations include all relevant costs in their proposed undergrounding plans.

Energy Safety Should Reject Proposals for its Guidelines to Permit Undergrounding of Facilities Located Outside the California Public Utility Commission's ("CPUC's") Tier 2 and 3 High Fire-Threat Districts ("HFTDs")

In opening comments, PG&E and Southern California Edison Company ("SCE") each ask Energy Safety to include in its undergrounding guidelines provisions that would allow the undergrounding of facilities outside of the CPUC's Tier 2 and 3 HFTDs. Specifically, PG&E proposes to make projects in *its* internally defined High Fire Risk Areas ("HFRAs") "eligible,"[10] and SCE asks for "the inclusion of undergrounding circuitry outside an HFTD …"[11] Energy Safety should reject these proposals.

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[8] MGRA Opening Comments at p. 4 (emphasis added).

[9] In pertinent part, Pub. Util. Code § 8388.5(c) provides:

> to participate in the program, a large electrical corporation shall submit to the office a distribution infrastructure undergrounding plan that ***shall address or include, at minimum, all of the following components***:
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> . . .
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> (2) Identification of the undergrounding projects that will be constructed as part of the program, including a means of prioritizing undergrounding projects based on wildfire risk reduction, public safety, ***cost efficiency***, and reliability benefits.
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> . . .
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> (4) A comparison of undergrounding versus aboveground hardening of electrical infrastructure and wildfire mitigation for achieving comparable risk reduction, or any other alternative mitigation strategy, such as covered conductor and rapid earth fault current limiter devices, for those prioritized undergrounding projects, evaluating the scope, ***cost***, extent, and risk reduction of each activity, separately and collectively, over the duration of the plan. The comparison shall emphasize risk reduction and ***include an analysis of the cost of each activity*** for reducing wildfire risk, separately and collectively, over the duration of the plan.
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> . . .
>
> (6) ***An evaluation of project costs***, projected economic benefits over the life of the assets, and any ***cost containment assumptions***, including the economies of scale necessary to reduce wildfire risk and ***mitigation costs*** and establish a sustainable supply chain. (Emphasis added.)

[10] *See* PG&E Opening Comments at pp. 7-8.

[11] SCE Opening Comments at p. 3.

SB 884 is clear concerning which geographic areas may be included in the IOUs' expedited utility distribution infrastructure undergrounding programs. Pub. Util. Code § 8388.5(c)(2) states: "[o]nly undergrounding projects located in tier 2 or 3 high fire-threat districts or rebuild areas may be considered and constructed as part of the program." (Emphasis added.) SB 884 includes no exceptions for the inclusion of "incremental" circuits or utility defined HFRAs (unless those facilities also are within the CPUC's Tier 2 and 3 HFTDs). While PG&E contends that its proposal is "aligned with the *intent* of SB 884,"[12] its proposal is at odds with the express language of the statute.[13] Accordingly, Energy Safety should reject these attempts to expand the statutory geographical boundaries of the SB 884 undergrounding program.

Energy Safety Should Reject PG&E's Suggestion That Energy Safety Should Ignore Communications Providers' Issues as it Develops Its 10-Year Undergrounding Guidelines

In its opening comments, PG&E objects to the Communications Providers' request that Energy Safety hold an additional Working Group meeting to address the communications facilities issues that are necessarily intertwined with the development of Energy Safety's 10-year undergrounding guidelines.[14] For the reasons discussed below, Energy Safety should (i) convene the requested additional Working Group and (ii) integrate consideration of communications facilities costs and other issues into its undergrounding guidelines.

In prior Energy Safety Working Group Meetings to obtain input on implementation of SB 884,[15] electric utilities and consumer advocates have been made panelists, but communications providers have not been included as panelists even though they are key stakeholders in undergrounding decisions. Communications companies have repeatedly requested that Energy Safety include communications issues in its development of undergrounding guidelines, and hold an additional Working Group session to address communications facilities issues, with communications providers invited as panelists. Those requests have not yet been fulfilled.

The communications infrastructure issues are highly relevant to establishing undergrounding guidelines. These issues include the recognition of the costs of undergrounding communications facilities in the cost analysis required by Pub. Util. Code § 8388.5. Moreover, as the Communications Providers noted in their November 3, 2023 comments to Energy Safety,[16] even

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[12] PG&E Opening Comments at p. 8 (emphasis added).

[13] *See Immigrant Rts. Def. Council, LLC v. Hudson Ins. Co*., 84 Cal. App. 5th 305, 266 (2022), citing *Security Pacific National Bank v. Wozab*, 51 Cal.3d 991, 998 (1990) ("It is axiomatic that in the interpretation of a statute where the language is clear, its plain meaning should be followed"); *Delaney v. Superior Court*, 50 Cal.3d 785, 798 (1990) ("If the language is clear and unambiguous there is no need for [statutory] construction, nor is it necessary to resort to indicia of the intent of the Legislature").

[14] *Id*. at p. 12.

[15] The role of Energy Safety in reviewing and approving the large electrical corporations' 10-year distribution infrastructure undergrounding plans is specified in Pub. Util. Code § 8388.5.

[16] Comments of AT&T California; California Broadband & Video Association; Crown Castle Fiber, LLC; and Sonic Telecom, LLC on the Office of Energy Infrastructure Safety's Undergrounding Guidelines, Nov. 3, 2023.

the definition of an "undergrounding project" in Pub. Util. Code § 8388.5 will have a significant effect on the relevant costs of undergrounding – if an "undergrounding project" is defined to exclude electric service drops, the utility poles can stay in place, and the communications facilities attached to those poles can remain in service, thus reducing the overall cost of undergrounding.

These issues should be explored in detail in an additional Working Group hosted by Energy Safety, with communications providers afforded the opportunity to participate as panelists.

Very truly yours,

/ s / Jerome F. Candelaria
Jerome F. Candelaria
Vice President and General Counsel, Regulatory Affairs, CalBroadband
For the Communications Providers[17]

Cc: Service lists for A.21-06-021, A.23-05-010, and A.22-05-016 and SB 884 Notification List

[17] The signatory has been authorized to submit these comments on behalf of all the Communications Providers.